

**MARION TOWNSHIP PLANNING COMMISSION
AGENDA**

**REGULAR MEETING
Tuesday – August 25, 2026
7:30 pm**

Virtual access instructions for participating in the meeting are posted on www.mariontownship.com
MEETING WILL BE HELD IN MAIN HALL

CALL TO ORDER

PLEDGE OF ALLEGIANCE

MEMBERS' PRESENT

PUBLIC COMMENT

APPROVAL OF AGENDA *August 25, 2026, Regular Meeting*

APPROVAL OF MINUTES FOR *July 21, 2026, Regular Meeting*

OLD BUSINESS

1. First reading of V1 and V2 drafts of Hyper-Scale Data Center Ordinance

NEW BUSINESS

1. Preliminary Review of SUP#01-26 D2 Contracting, 2320 Pingree Rd
2. Preliminary Review of SUP#02-26 Legacy Acres, 775 Sexton Rd

CORRESPONDENCE AND UPDATES

PUBLIC COMMENT

ADJOURNMENT

Next Meeting is scheduled for September 22, 2026, at 7:30 PM

Marion Township Public Participation Policy at Township Planning Commission Meetings

The Public shall be given an opportunity to be heard at every Township Planning Commission Meeting following the adoption of this Policy.

The Planning Commission Chairperson is the moderator of the meeting. In the absence of the Chairperson, the Planning Commission VICE-Chairperson shall be the moderator of the meeting.

The Public attending the meeting either in-person or on-line may speak during the “Public Comment” part of the meeting agenda. To preserve order, those attending in-person will speak first. When all in-person attendees have been heard, the moderator will ask if any on-line attendee wishes to speak.

When recognized by the moderator, in-person attendees shall come to the podium. The moderator will request that they give their name and address before they begin their comments.

When all in-person attendees have finished speaking, the moderator will ask if anyone attending the meeting on-line wishes to speak. Online attendees may unmute themselves and when recognized by the moderator may speak. Online attendees will also be asked for their name and address.

All comments shall be addressed to the Township Planning Commission members. The “Public Comment” is for attendees to provide information or opinions to the Township Planning Commission and is not intended to be a dialogue. Anyone needing a response should contact officials or staff during normal office hours.

The Public attending the meeting either in-person or on-line will be allowed to ask questions and make comments about NEW and UNFINISHED agenda items. These questions and comments must be made during the discussion of that agenda item. Anyone that would like to speak will raise their hand indicating their desire to speak.

When recognized by the moderator, in-person attendees shall come to the podium. The moderator will request that they give their name and address before they begin their comments.

When all in-person attendees have finished speaking, the moderator will ask if anyone attending the meeting on-line wishes to speak about the NEW or UNFINISHED agenda item. Online attendees may unmute themselves and when recognized by the moderator may speak. Online attendees will also be asked for their name and address.

The moderator can close the questions and comments session about a NEW and UNFINISHED agenda item at his/her discretion.

To preserve efficiency, at any time during the meeting, each speaker, whether in-person or online will be limited to THREE MINUTES.

Next Meeting is scheduled for September 22, 2026, at 7:30 PM

**MARION TOWNSHIP
PLANNING COMMISSION
REGULAR MEETING MINUTES
JULY 21, 2026 / 7:30PM**

PC MEMBERS PRESENT: LARRY FILLINGER – *CHAIRPERSON*
CHERYL RANGE – *SECRETARY*
SCOTT LLOYD

PC MEMBERS ABSENT: BRUCE POWELSON

OTHERS PRESENT: SCOTT RICHARDSON – *ZONING ADMINISTRATOR*
MARTHA HAGLUND – *LIVINGSTON COUNTY PLANNING DEPARTMENT*

CALL TO ORDER:

Larry Fillinger called the meeting to order at 7:30 p.m.

MEMBERS' PRESENT:

All Planning Commissioners are present.

PUBLIC COMMENT:

No comment was made by the public.

APPROVAL OF JULY 21, 2026, AGENDA:

Cheryl Range made a motion to approve the July 21, 2026, agenda as amended. Scott Lloyd seconded. **3-0 MOTION CARRIED**

APPROVAL OF JUNE 23, 2026, MINUTES:

Cheryl Range made a motion to approve the June 23, 2026, Planning Commission minutes as presented. Larry Fillinger seconded. **3-0 MOTION CARRIED**

OLD BUSINESS:

1) WORK SESSION ON HYPER-SCALE DATA CENTER ORDINANCE

A) NO DECISIONS WILL TAKE PLACE AT THIS MEETING

Larry Fillinger said the Board of Trustees plans to extend the Moratorium through February 2027 at the July 24, 2026, Board meeting.

Martha Haglund with the LCPD provided some considerations for the Township's Data Center Ordinance.

Data Center Sizes: Martha explained that the Planning Commission should consider creating different languages for different sized data centers: Accessory Data Center, Large-Scale Data Center and Hyper-Scale Data Center. Larry Fillinger suggested creating one language for all sizes.

DRAFT

Lighting: The Commissioners discussed different lighting regulations.

Battery Storage: Scott Lloyd said that it should not be permitted as an accessory use, but only as a principal use.

Parking: Larry and Scott Lloyd suggested going with an alternative option B.

Required Application Materials: The Commissioners like existing conditions 1-17. They also agreed to add 18-24 to the language.

Monitor and Reporting: The Commissioners like existing conditions 1-6.

Host Community Agreement and Fees: Larry and Scott Lloyd would like Martha to gather more information on requiring fees and what the money will be spent on. Scott does not want to use the money on things the Township already has to pay for such as, DTE, and MHOG.

Scott Richardson will get some feedback from Attorney John Gormley on section F1.

Permitted Location: Sewer and water are not permitted in the first overlay district. Martha said the Township would be obligated to give them water and sewer if they paid for it otherwise it would be considered exclusionary zoning. The Commissioners discussed different location options throughout the Township.

Scott would like to see Howell Township's data center ordinance. Martha said that Tyrone Township and Green Oak Township are currently working on a Data Center ordinance.

CORRESPONDENCE AND UPDATES:

No comments were made.

PUBLIC COMMENT:

A resident discussed an issue that needs to be discussed with the Township Assessor and Board of Review.

ADJOURNMENT:

Cheryl Range made a motion to adjourn the Planning Commission meeting at 8:58 p.m. Larry Fillingner seconded.

4-0 MOTION CARRIED

MINUTES TAKEN BY: Jessica S. Timberlake



Livingston County Department of Planning

MEMORANDUM

TO: Marion Township Planning Commission

FROM: Martha Haglund, AICP, Principal Planner

DATE: August 13, 2026

SUBJECT: DRAFT 17.36 Data Center Ordinance

Scott Barb
AICP, PEM
Planning Director

Robert A. Stanford
AICP, PEM
Principal Planner

Martha Haglund
AICP
Principal Planner

Abby Carrigan
Planning Intern

At the July 23, 2026, Township Board Meeting the moratorium on Hyper Scale Data Centers was extended an additional 6 months from the original expiration date of August 13, 2026, and will now expire on February 11, 2026. This extension will provide the necessary time to finalize a Data Center Ordinance. To date Marion Township has not received an application to develop a data center in the Township.

At the July 21, 2026, Township Planning Commission meeting the draft Data Center Ordinance was discussed. There was consensus on a variety of straight forward requirements such as lighting, parking, application requirements, and annual reporting and monitoring procedures.

The Planning Commission expressed a desire for more information on scaled-tiered definitions of different Data Centers and community host agreements. There was a lengthy discussion about potential locations for permitting data centers within the Township which will continue to be discussed at the August meeting.

There are two versions of data center ordinances for the Planning Commission to consider. The first version incorporates many of the standards that had consensus from the planning commission and keeps the data center as a special use in the Rural Residential District within 1 mile of the ITC corridor. A data center project would also be required to be connected to water and sewer, be on a paved road and be under one ownership/control.

The other version builds on the standards and utilizes a tiered size scaling of data centers along with an overlay to direct data center proposals to be located near the D-19 corridor. This draft relies on the Township Master Plan that plans for development along Mason or the D-19 corridor. This version also includes model language for community host agreement and fees.

Another option to consider would be to restrict Data Centers to the Industrial District and Highway Service Districts. Several standards of the existing Industrial and Highway Commercial Districts could be modified to support development in these districts. Some standards would include an increase in lot

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coverage to 60-75%, an increase in height to 50-60 feet. Additionally, revisions to setback, buffer and acreage requirements in the draft data center ordinance would need to be considered. Although there are limited vacant properties currently in these districts incorporating more permissible guidelines in the Industrial and Highway Service districts could allow for data center development. This option should be done in combination with the goal to review the Township Master Plan to designate future planned areas for Industrial & Commercial locations within the Township.

All options warrant further discussion to provide the township planner with clear guidance for drafting a single version of the Data Center Ordinance to be presented at the September Township Planning Commission meeting.

Continued Discussion Topics

Data Centers Permitted Locations

Rural Residential

Currently, the only district that allows Data Processing Facilities is Light Industrial where there are limited vacant parcels for development. The current version of the Data Center Ordinance would permit data centers within the Rural Residential District, within 1 mile of the High-Voltage ITC corridor. Mainly located in the western portion of the township between Jewell Rd. and Schafer Rd. The ordinance requires the developer to be connected to municipal water and be on a paved road. These requirements would be costly to expand and improve infrastructure; that could deter data center development. Although a developer would be less inclined to develop a data center located further away from available infrastructure, if a project was pursued the infrastructure improvements could lead to development pressure in areas where the Township has not planned for in their Master Plan.

Data Center Overlay

An alternative to allowing Data Centers in the Rural Residential district is to establish a targeted overlay district. Suitable parcels would be those located along major corridors planned for future development. In Marion Township, these include Mason Road and D-19. Because most of the Mason Road area lies within a wellhead protection zone, parcels along D-19 would be more appropriate for focusing development of industrial/commercial uses.

Industrial & Highway Service Districts

Permitting Data Centers only in the existing Industrial and Highway Service Districts and modifying standards to make development more permissible in these districts could allow for a data center development. There are currently limited industrial and commercially zoned parcels it would be important to prioritize reviewing the Township Master Plan to designate additional, future industrial and commercial locations in the Township within the next 5 years.

Host Community Agreement and Fees

Any of the options could incorporate a Community Host Agreement or Community Benefit Agreement language. Community host agreements are legally binding contracts where developers commit to local requirements, so the development is approved. Data centers use large amounts of water and electricity and some communities have found it beneficial to use community benefit agreements to offset future infrastructure maintenance or ensure environmental compliance. Community benefit agreements can be negotiated to incorporate a



variety of different aspects the community finds important even if they are not explicitly outlined in the Zoning Ordinance.

At the end of Version 2 of the Draft Data Center Ordinance Overlay District there is model language in which fees would be directly tied to the amount of water and electricity usage. The funds could be used for public services and maintenance of infrastructure. Having the community host agreement fees explicitly in the Zoning Ordinance improves transparency and is proportional to the project's use of resources. At this time the fee amounts are an example, if the Planning Commission is interested in including community host agreement language; specific amounts can be determined.

Below are additional resources regarding Community Benefit Agreements.

1. [Lee Nicol Turner and West Darrell. Brookings Institute.2026. Why Community Benefit Agreements are Necessary for Data Centers.](#)
2. [Nolette Vincent. Columbia Law School. 2026. Community Benefits Agreements and Data Center Development.](#)
3. [Community Benefits Law Center 2016. Common Challenges in Negotiating Community Benefits Agreements and How to Avoid Them.](#)

City of Howell REUs (Residential Equivalent Units) Agreement

At the work session last month there was discussion regarding the agreement with the City of Howell and amount of allotted REUs to expand the sewer and water districts. Most residential households use about 300 gallons per day, if a large data center used 1 million gallons a day the project would need approximately 3,333 REUs.

Requiring the necessary REUs is a straightforward capacity issue in which the developer would have to ensure there is capacity with MHOG (Marion, Howell, Oceola, and Genoa Water Authority) and the City of Howell for a data center project. It is possible the developer could fund the necessary infrastructure to increase capacity at MHOG. There is also an example of the Saline Data Center Project in which the developer has applied to [EGLE to discharge directly into the Saline River](#). That is currently being reviewed by EGLE (Michigan Department of Environment Great Lakes and Energy) but also has the potential to reduce the REUs needed for the project. Due to this latest development, there is language in the draft ordinance to prohibit direct discharge of wastewater and require it be treated by a municipal water treatment facility. The added language strengthens the Township's environmental standards, but a developer could still apply and be granted a permit from EGLE if they meet the water quality standards.

Although it is unlikely, it would be feasible for a data center project to be built in Rural Residential. The Planning Commission should carefully consider how expanding water and sewer infrastructure and paved roads into Rural Residential could impact future development in these areas.

Restricting Data Center Use to Industrial & Highway Service District

To aid in the discussion about restricting data centers to industrial and commercial districts a table of dimensional standards for the surrounding districts has been provided on the following page. Adding more permissible standards in these districts could allow for a data center use but



should be done in combination with reviewing and planning new industrial/commercial areas in the township within the next 5 years.

Surrounding Community Industrial District Dimensional Standards

Community	Lot Coverage (%)	Height (Feet)	Front Setbacks	Side Setbacks (Feet)	Rear Setbacks (Feet)	Minimum Lot Size (Acre)
Marion Township	40	40	80	80	80	1-4
Genoa Township	40	30	85	25	40	1
Howell Township	75	50-70	35	10	50	0.5-1
Oceola Township	70	40	50	30	30	0.5-1
Handy Township	45	45-100	75	50	50	1-10
City of Howell	75	40-75	50	10	25	0.25

Considerations and Discussion

The goal is to determine which location to permit data center use because ultimately it will determine how standards will be drafted. Planning staff encourages the commissioners to consider utilizing Section 20.05 Rezoning Criteria and analyze how each scenario (Rural Residential, Overlay District, or Industrial/Commerical areas) relates to the following questions.

- 1. What is the impact of the rezoning on the ability of the Township and other governmental agencies to provide adequate public services and facilities, and/or programs that might reasonably be required in the future if the proposed rezoning is approved?**
What would be the impact be on providing adequate public services now and into the future if Data Centers are allowed in either Rural Residential, in an Overlay District or in Industrial/Commerical District?
- 2. Does the requested rezoning adversely affect environmental conditions, or the value of the surrounding property?**
How does allowing Data Centers in either Rural Residential, in an Overlay District, or in Industrial/Commerical districts affect environmental conditions or value of the surrounding properties?
- 3. Does the petitioned district change generally comply with the adopted Township Master Plan?**
Does allowing data center use in either Rural Residential, in an Overlay District or in Industrial/Commerical Districts generally comply with the adopted Township Master Plan?

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DATA CENTERS

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**Marion Township Zoning Ordinance
Livingston County, Michigan**

Draft for Planning Commission review

15

V1

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MARION TOWNSHIP
ZONING ORDINANCE TEXT AMENDMENT
DATA CENTERS

- 5 An amendment to the Marion Township Zoning Ordinance to amend definitions related to data centers; amend uses permitted by special use permit; amend standards for data centers; and amend the table of contents accordingly.

1. AMENDMENT OF ARTICLE III: DEFINITIONS

- 10 SECTION 3.02 DEFINITIONS OF THE ZONING ORDINANCE IS HEREBY AMENDED TO ADD THE FOLLOWING DATA CENTER DEFINITION, WHICH SHALL READ AS FOLLOWS:

[Blue, underlined text to be added. Red, strikethrough text to be deleted]

- 15 **Data Center:** A facility used primarily for the storage, management, process, or transmission of digital data that may include computer or network equipment, systems, servers, appliances, or other components related to digital data operations. The use may also include air handlers, power generators, water cooling and storage facilities, utility substations, and other ~~associated utility~~ related infrastructure to support operations.

- 20 SECTION 3.02 DEFINITIONS OF THE ZONING ORDINANCE IS HEREBY AMENDED TO DELETE THE FOLLOWING DATA PROCESSING FACILITY DEFINITION:

- 25 ~~**Data Processing Facility:** A building, dedicated space within a building, or group of structures located on one or more acres of land used to house a large group of computer systems and associated components, such as telecommunications and data processing systems, to be used for the remote storage, processing, or distribution of large amounts of data. Examples of such data include, but are not limited to, computationally intensive applications such as blockchain technology, cryptocurrency mining, weather modeling, genome sequencing, etc. Such facilities may also include air handlers, power generators, water cooling and storage facilities, utility substations, and other associated utility infrastructure to support operations.~~

2. AMENDMENT OF ARTICLE VIII: RESIDENTIAL DISTRICTS

- 35 SECTION 8.01(E)(22) RURAL RESIDENTIAL SPECIAL USES, OF THE ZONING ORDINANCE IS HEREBY ADDED TO READ AS FOLLOWS:

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Data Centers

3. AMENDMENT OF ARTICLE X: INDUSTRIAL DISTRICTS

SECTION 10.01(D)(5) LIGHT INDUSTRIAL SPECIAL USES, OF THE ZONING ORDINANCE IS HEREBY AMENDED TO READ AS FOLLOWS:

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Data Centers

4. AMENDMENT OF ARTICLE XVII: STANDARDS FOR SPECIFIC SPECIAL LAND USES

REPLACE IN ITS ENTIRETY SECTION 17.36 DATA PROCESSING FACILITY OF THE ZONING ORDINANCE TO READ AS FOLLOWS:

[Blue, underlined text to be added. Red, strikethrough text to be deleted]

Section 17.36 Data Centers

A. Intent and Purpose: The intent and purpose of this section is to establish standards for the siting, installation, operation, decommissioning, and removal of Data Centers and related accessory uses; establish the process for the reviewing and permitting of such facilities; protect the health, welfare, safety, and quality of life of the general public; ensure compatibility with land uses in the surrounding area; ensure adequate capacity for public services and infrastructure for Data Centers and the community; and protect and preserve the existing and desired rural character of the community.

B. Locational Requirements: Data Centers are subject to the locational requirements below.

1. Wellhead Protection: Data Centers shall not be located within a wellhead protection area.
2. Spacing: Data Centers shall be at least two thousand five hundred (2,500) feet from any existing or approved Data Center, including ones in adjacent communities.
3. Electrical: The site shall be located within one (1) mile of an existing high-voltage electrical transmission corridor.

C. Site Requirements: Data Center sites shall meet the site standards below.

1. Site Composition: The site shall consist of -a single parcel. When a site crosses a road or is otherwise unable to be combined into a single parcel, all parcels shall be owned and controlled by a single entity.
2. Lot Area: The site shall have a total net lot area of at least ten (10) acres and a maximum total net lot area of six hundred forty (640) acres.
3. Access: The site shall have direct access from a paved county road.
4. Parking: The developer shall provide a staffing plan for the Data Center and provide one (1) space per employee.

D. Buffering Requirements: Data Centers shall have a landscape buffer outlined below in addition to what is required in Section 6.13 Landscaping, Fencing, Walls and Screening. In case of a conflict, these standards below shall control.

1. Width: The buffer shall be at least one hundred (100) feet wide.
2. Berm: When a project is adjacent to a residential zoned property a minimum size berm of at least fifteen (15) feet high shall be located within the landscape buffer. The berm shall be setback and designed to not increase stormwater flow to adjacent properties.
3. Vegetation: The landscape buffer shall be vegetated as described below.
 - a. Shade Trees: There shall be a shade tree for every seventy-five (75) feet of exterior frontage or fraction thereof. Trees shall have a caliper of at least two point five (2.5) inches at the time of planting. A maximum of ten (10) percent of shade trees can be from a single species.
 - b. Evergreen Trees: Evergreens shall be planted fifteen (15) feet apart in two (2) staggered rows spaced fifteen (15) feet apart. Trees shall have a height of at least six (6) feet at the time of planting. A maximum of fifteen (15) percent of evergreen trees can be from a single species.
4. Modification: The Planning Commission can recommend and the Township Board can approve a modification of these buffering standards provided the proposed modification would provide equal or better screening to adjacent properties and consideration of the following:
 - a. The proposed modification is necessary to protect or preserve existing vegetation;
 - b. The proposed modification preserves important vegetation or wildlife habitat;
 - c. The proposed modification is necessary for environmental reasons;
 - d. The proposed modification is the minimum necessary.
5. Maintenance: Good arboricultural techniques and shall ~~be~~ follow guidelines set by the United States Department of Agriculture in the Tree Owner's Manual for Northeastern and Midwestern United States. ~~ed with respect to vegetation, including, but not limited to, proper pruning, proper fertilizing, and proper mulching, so that the vegetation will reach maturity as soon as practical and will have maximum foliage density.~~ Dead or diseased vegetation shall be removed and must be replaced in a manner consistent with these standards at the next appropriate planting season.
 - a. Annual Inspection: Data Centers will be inspected ~~on at least an annual~~y basis to ensure continued compliance with these buffering requirements.
 - b. Violation: A confirmed violation of the buffering requirements must be corrected within thirty (30) days of receiving notice or the next planting season. ~~If a violation is not corrected, the Township may enter the property and use the performance guarantee to take corrective action. This does not preclude any other legal remedy or penalty.~~

Commented [MH1]: Landscape violations should be able to rely on existing fines and penalties. The only performance guarantee in the ordinance relates to decommissioning.

E. Performance Standards In addition to the general standards of this Ordinance, Data Centers shall meet the performance standards below.

1. Setbacks: Buildings shall be setback at least one hundred fifty (150) feet from lot lines and at least five hundred (500) feet from adjacent residential dwellings, schools, and religious institutions.
2. Building Height: Buildings shall have a maximum height of ~~thirty-five (35) twenty-nine (29)~~ feet.
3. Building Area: Individual buildings shall have a maximum area of one hundred fifty thousand (150,000) square feet.
4. Building Coverage: Maximum building coverage is forty (40) percent of the net lot area.
5. Municipal Utilities: Data Centers must be connected to and served by municipal water and sanitary sewer systems. On-site wells or septic field are not permitted. ~~Applicant shall provide estimated annual water demand as part of the application.~~
6. Cooling: Cooling systems serving Data Centers shall be closed loop system.
7. Battery Storage: Battery Storage is prohibited.
8. Power Generation: Routine or primary power generation is prohibited, except where expressly permitted. Emergency backup generators are permitted subject to the standards below.
 - a. Use: Except for testing, exercise, or commissioning activities, generator use is limited to emergency backup use only.
 - b. Hours: Generator testing, exercise, and commissioning is limited to the hours between 11:00 am and 5:00 pm.
 - c. Fuel storage must comply with applicable state and federal regulations.
9. Buildings: Buildings associated with Data Centers shall meet the design standards below.
 - a. Façade Materials: Façades visible from off-site shall have at least fifty (50) percent of their surface area clad in face brick and at least ten (10) percent of their surface clad in glass. Spandrel glass does not qualify.
 - b. Roof: Buildings with a lot coverage of more than fifty thousand (50,000) square feet shall have a roof with white or light colors, a planted green roof, or solar panels.
 - c. Mechanical Equipment: Roof-mounted mechanical equipment shall be fully screened to the height of the equipment.
 - d. Loading Bays: Loading bays shall only be located along one façade per building and shall not be on the front façade.
10. Lighting: In addition to the lighting standards in §14.04(E) Lighting, Data Centers shall meet the specific lighting standards below.

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- a. Intensity: Lighting shall be installed in a manner so that no illumination sources are visible beyond all property lines or 0.0 footcandles. ~~Intensity: The maximum illumination level anywhere within the site shall be ten (10) footcandles.~~
- b. Height: Building and pole-mounted light fixtures shall have a maximum height of eighteen (18) feet.
- c. Hours: Exterior lighting shall be turned off from one (1) hour after sunset to one (1) hour before sunrise. This shall not apply to the minimum lighting needed for construction or emergency service, required by building code, required for staff parking lots, or motion-activated lighting required for safety or security.
- d. Color Temperature: Lighting shall have a maximum color temperature of 3500K ~~2800K~~.

11. Security: Data Centers shall provide the security below.

- a. Perimeter Fencing: The Data Center site shall have fencing around the facility to prevent unauthorized access and to screen the facility.
 - 1) Height: The fence shall be between seven (7) feet and eight (8) feet tall.
 - 2) Fence Posts: Fence posts shall extend at least thirty-six (36) inches into the ground, and gate posts and corner posts shall have a concrete foundation.
 - 3) Fence Type: Fences visible outside the vegetative buffer shall be a woven agricultural-style fence. The Township may require or allow durable green opaque material to be integrated into the fence if necessary for buffering or screening. Fences not visible outside the vegetative buffer may be opaque wood, metal, or masonry or chain-link.
 - 4) Alternative Fencing: Alternate fencing may be approved by the Township upon a finding that the alternative provides adequate access control and visual screening.
 - 5) Wildlife Considerations: The Township may require or allow a fence design to allow for the passage of wildlife upon a finding that adequate access control and visual screening will be preserved.
- b. Gate Access: Gates shall be provided at all access points, unless otherwise permitted or approved. Gates for vehicular access shall be approved by the Fire Authority.
 - 1) Gate Type: Gates shall be the same height and constructed of the same material as the fencing, unless otherwise approved.
 - 2) Emergency Access: Access, such as Knox box, access codes, or emergency siren activation, shall be provided for emergency responders.

- 3) Gate House: Gate houses with around the clock staffing may be required if determined necessary to provide appropriate safety for and access to the Data Center site.

12. Sound: The sound generated by a Data Center must meet the sound standards of this Ordinance and the additional standards below.

- a. Day Sound Level: The maximum sound level shall be forty (40) dB(A) Leq, as measured at the project boundary and road rights-of-way between the hours of 7:00 am and 9:00 pm.
- b. Night Sound Level: The maximum sound level shall be thirty-five (35) Leg dB(A) , as measured at the project boundary and road rights-of-way between the hours of 9:00 pm and 7:00 am.
- c. Pure Tone: If pure tones are produced, the maximum sound level shall be reduced by five (5) dB(A) and dB(C).
- d. Difference: The maximum difference between dB(A) and dB(C) shall be ten (10) decibels.
- e. Ambient Sound: If the ambient sound levels exceed these standards, the maximum sound level shall be the ambient sound level plus five (5) dB(A).
- f. Continued Compliance: The sound level generated by a Data Center must be inspected every year, at the operator's expense, by an auditory expert to ensure compliance with applicable sound standards.

13. Utility Substations: Utility substations shall be located within the landscape buffer and shall be at least five hundred (500) feet from any adjacent residential dwelling, school, or religious institution.

14. Wildlife: Data Centers shall be designed, sited, and operated in a manner to minimize impact on wildlife.

- a. Wildlife Impact Analysis: An analysis to identify and assess any potential impacts on wildlife and endangered species shall be prepared by a qualified third-party professional acceptable to the Township. At a minimum, the analysis shall include a thorough review of existing information regarding species and potential habitats in the vicinity of the project area. Where appropriate, surveys for bats, raptors, or general avian use should be conducted. The analysis shall include the potential effects on species listed under the federal Endangered Species Act and Michigan's Endangered Species Protection Law.
- b. Adverse Impacts: Appropriate measures shall be taken to minimize, eliminate, or mitigate adverse impacts identified in the analysis. The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts.
- c. Special Scrutiny: Sites requiring special scrutiny include wildlife refuges, other areas where birds are highly concentrated, bat hibernacula, wooded ridge tops that attract wildlife, sites that are frequented by federally- or state-listed

endangered species of birds and bats, significant bird migration pathways, and areas that have landscape features known to attract large numbers of raptors.

- d. US Fish and Wildlife Service: The applicant shall follow all pre-construction and post-construction recommendations of the United States Fish and Wildlife Service.

15. Environment: Data Centers shall be designed, sited, and operated to minimize impact on the environment.

- a. Environmental Impact Analysis: An analysis to identify and assess any potential impacts on the natural environment including, but not limited to, trees, wetlands, and other fragile ecosystems, shall be prepared by a qualified third-party professional acceptable to the Township zoning administrator, engineer, and planner.
- b. Adverse Impacts: Appropriate measures shall be taken to minimize, eliminate, or mitigate adverse impacts identified in the analysis. The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts.
- c. Tree Mitigation: Trees with a DBH of twenty (20) or more inches with good or excellent health, shall be replaced with three (3) shaded trees with a caliper of two point five (2.5) inches. To the extent feasible, the trees shall be located within the site. The Planning Commission may recommend and the Township Board may approve planting of replacement trees on other properties.
- d. Site Preservation: Areas of the site not required for development shall be preserved in their natural condition or used for agriculture. Areas to be developed for future phases shall remain in their natural condition or used for agriculture until that phase is developed.
- e. Environmental Laws: Data Centers shall comply with applicable parts of the Michigan Natural Resources and Environmental Protection Act (Act 451 of 1994, MCL 324.101 et seq.), Part 91 Soil Erosion and Sedimentation Control (MCL 324.9101 et seq.), Part 301 Inland Lakes and Streams (MCL 324.30101 et seq.), Part 303 Wetlands (MCL 324.30301 et seq.), Part 323 Shoreland Protection and Management (MCL 324.32301 et seq.), Part 325 Great Lakes Submerged Lands (MCL 324.32501 et seq.), and Part 353 Sand Dunes Protection and Management (MCL 324.35301 et seq.).
- ~~e.f.~~ Wastewater: Wastewater shall not be discharged directly into an open water source and must be processed at a municipal water treatment facility.
- ~~f.g.~~ Containment System: A containment system shall surround any transformers in case of hazardous waste or oil spills.
- ~~g.h.~~ Removal: All solid and hazardous waste materials shall be promptly removed from the site and disposed of properly.

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~~h.i.~~ Responsibility: The Data Center owner, operator, and property owner shall be responsible, jointly and severally, for mitigating erosion, flooding, and all other environmental impacts resulting from the facility.

16. Emergency Action Plan: Data Centers shall have an emergency action plan to identify actions to be taken in event of an emergency.

- a. Fire Suppression: The Emergency Action Plan must include a fire suppression plan, including the technology to be used.
- b. Special Equipment and Training: The Emergency Action Plan shall identify special equipment and training that are required for emergency response to a Data Center.
- c. Clean-up: The Emergency Action Plan must include plans for immediate cleanup and long-term remediation efforts following an emergency.
- d. Emergency Training: Before the Data Center is operational and annually thereafter, ~~it~~ must provide the necessary training, equipment, or agreements specified in the emergency action plan to the Township or other emergency personnel. All training must be consistent with current industry standards.
- e. Public Record: The Emergency Action Plan will be a public record. Copies shall be shared with all relevant first responding agencies.

F. General Provisions: Data Centers are subject to the general provisions below.

1. Violations of this section may be subject to civil infraction penalties as follows:

a) Administrative Violations (5-day Cure)

- 1) Late Filings, minor reporting errors, and bond adjustments
- 2) Fine \$1,000/day (after 5-day cure period)

b) Operational Violations (Immediate Fine)

- 1) Noise/Light exceedance: \$5,000/violation
- 2) Generator Abuse (outside limits): \$5,000/violation
- 3) Wet cooling operation: \$5,000/day
- 4) On-site Renewable failure: \$10,000/day
- 5) Supply Chain/APGA non-compliance: \$5,000/day

6) Unauthorized Phase Advance: Commencing construction of a subsequent phase without a Certificate of Completion for the prior phase: \$5,000/day of unauthorized work

c) Environmental Emergencies (Immediate Fine + Bond)

- 1) Groundwater impact: 150% of remediation cost per well/day (min \$10,000, max \$500,000 total)
- 2) PFAS exceedance: \$25,000/day per exceedance

Commented [MH2]: Violations and Penalties to be reviewed by Township Attorney

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3) Hazardous material storage: \$10,000/day

4) E-Waste violation: \$15,000/day per violation

5) GHG reporting failure: \$10,000/day per scope

6) Chemical Discharge violation: Discharge of prohibited chemicals or failure to meet discharge limits: \$25,000/day per violation

d) Financial Defaults

1) Carbon Fee non-payment \$5,000/day + interest

2) Bond Forfeiture: Full Bond Amount

e) Cumulative Fine and Daily Cap

1) Total fines for all violations shall not exceed \$500,000 per day

2) Fines for multiple violations are cumulative up to the cap

f) Repeat Offender

1) 2 violations in one year elevates to a Class C misdemeanor (up to \$5,000 + 90 days in jail)

2. Damage Repair: The owner, operator, and property owner shall be responsible, jointly and severally, for making repairs to any public roads, drains, or infrastructure damaged by the construction, use, or maintenance of, or damage to the Data Center.

3. Renewable Energy: Data Centers may be co-located with renewable energy facilities, provided the renewable energy facility is intended primarily to serve the Data Center. Review and approval are required for each use.

4. Mixed Facilities: Data Centers may be co-located with other uses that use the waste heat, such as a greenhouse operation.

5. ~~Modifications: Any modifications of an approved site plan or special use permit that are made after the initial date of approval shall require new site plan and special use permit applications. Any changes of the approved site plan or special use permit will be subject to this Ordinance as it exists at time of this new application.~~

6. Transfer or Sale: In the event of a transfer or sale of a Data Center, the new owner or operator must do the following.

a. Notify: The new owner or operator must notify the Township within thirty (30) days of the transfer or sale. The zoning administrator shall administratively amend the permit to name the new owner or operator;

b. Site Improvements: The Zoning Administrator will inspect the site and provide notification of any deviations or violations of the approved site plan, special use permit, or this Ordinance. Corrections shall be made within forty-five (45) days or the next planting season for landscape corrections; and

c. Decommissioning Performance Guarantee: Estimated costs of decommissioning and restoration shall be recalculated, and the performance

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Commented [MH3]: 18.07 Amendment of Approved Site Plan already requires re-application.: "An approved final site plan may be amended upon re-application including any fees required and in accordance with the procedure herein for the final site plan."

guarantee shall be adjusted accordingly. The performance guarantee shall be transferred to the new owner or operator.

7. Phasing: When Data Centers are proposed to be constructed in phases the following standards shall apply: may be constructed in phases as described below.

- a. Description: The site plan and narrative must provide a description of the proposed phasing, including phasing lines.
- b. Period: All phases must be completed within six (6) years of final site plan approval or a new site plan must be approved, subject to the standards in place at the time of application.
- c. Completion: All buffering, security, and infrastructure improvements must be completed as part of the first phase.

G. Decommissioning, Abandonment, and Restoration: The site shall be decommissioned and restored following the operational life or abandonment of the Data Center.

1. Decommissioning Plan: A Decommissioning Plan shall be prepared by a qualified third-party professional acceptable to the Township zoning administrator, engineer, and planner and should encompass the following:-
 - a. Anticipated Life: The Decommissioning Plan shall describe the anticipated life span of the Data Center.
 - b. Removal: Describe methods for removal of structures, equipment, utilities and impervious surfaces.
 - c. Disposal: Description of recycling and disposal of equipment and hazardous materials.
 - d. Restoration: Description of final grading and revegetation.
 - e. Decommissioning Costs: The Decommissioning Plan shall provide an itemized probable cost estimate for scope of decommissioning, including current cost and cost at the time of decommissioning.
 - f. Payment/How Paid: The Decommissioning Plan shall provide a description of of the how decommissioning payment process costs will be paid.
2. Decommissioning Performance Guarantee: A performance guarantee for decommissioning and restoration of the Data Center shall be provided before construction commences and shall be held in an escrow account until confirmation that the site has been fully restored.
 - a. Value: The performance guarantee shall be equal to one hundred twenty-five (125%) percent of the cost to remove and restore the Data Center as determined in the Decommissioning Plan. Cost estimate to be completed by an independent third-party. must be from an independent source.

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- b. ~~Routine Review~~Regular Updating: The Decommissioning Plan shall be updated on a regular basis, at minimum at least once every three (3) years and adjusted for inflation. Additional security may be required to account for increased anticipated decommissioning costs during the preceding three (3) years.
- c. Form: The performance guarantee shall be in the form of cash deposited with the Township or an irrevocable letter of credit naming the Township as the beneficiary. A surety bond is not acceptable.
3. Abandonment: Data Centers that are not operated for a continuous period of six (6) months shall be considered abandoned, whether or not there is an intent to continue the use, and shall be removed and restored or restored to operation. An extension may be granted by the Township upon finding that the delay does not create a hazardous condition and the applicant has demonstrated a good-faith effort to continue operation.
- a. Township Action: The Township may remove any abandoned or unsafe Data Center structures or components that are not removed or restored within the allowed time. The owner, operator, and property owner shall be jointly and severally responsible for any costs.
4. Chemical Analysis and Boring: A chemical analysis and boring of the soil, as recommended by the Township engineer shall be performed before any decommissioning work begins with the results compared to the baseline soil chemical analysis baseline test results obtained before construction of the Data Center.
- a. Chemical Levels: All levels of any chemical entity found in the soil chemical analysis must be equal to or are lower than the levels of all chemical entities determined in the baseline testing performed prior to construction. If a new chemical entity, either organic or inorganic compounds, are identified in the soil chemical analysis, its level must be below established federal and state government levels for hazardous materials in soils for that chemical entity.
- b. Report: A report of the soil chemical analysis must be provided to the Township within seven (7) days. If any chemical entity, organic or inorganic compounds, are above established federal and state government levels for hazardous materials in soils, the report must be submitted to the appropriate Federal and State regulatory agencies within seven (7) days of receiving the testing report showing a violation.
- c. Violation Resolution: Once a violation has been determined and finalized, a reclamation plan for the contaminated soil must be developed and implemented to remove the contaminated soil from the Data Center. The reclamation plan must meet all Federal and State regulations for the reclamation of a contaminated site. The plan must be approved by the Township Board and the Township engineer. Once the contaminated soil has been removed and replaced with uncontaminated soil, a final soil chemical analysis shall be performed to confirm the Data Center site soils have been

returned to their original state for levels of organic and inorganic compounds that existed before construction.

- d. Cation Exchange Capacity: A Cation Exchange Capacity soil test shall also be required at the completion of the decommission process.
- e. Violation Remediation: Any negative variations from the preconstruction soil testing must be remedied and the final results of the testing approved by the township engineer and the Township Board.

6. Removal and Restoration Standards

- a) Ground Restoration: The ground must be restored to its original topography and land must be restored to a depth of three (3) feet below grade within three hundred sixty-five (365) days of abandonment or decommissioning. An extension may be granted by the Township if a good-faith effort has been demonstrated and any delay is not the result of actions or inaction of the operator. An alternative topography can be approved by the Township as part of the original site plan review or later as part of decommissioning.
- b) Compaction Prevention: All abandonment and decommissioning work must be done when soil is dry or frozen to prevent compaction.
- c) Land Balancing: If land balancing is required, all topsoil will be saved and spread evenly over the balanced area.
- d) Vegetation: Disturbed land shall be revegetated at the next appropriate planting season.
- e) Disposal: All structures, equipment, and waste shall be removed from the site and disposed of properly.
- f) Modification: The Planning Commission can recommend and the Township Board can approve modifications to a previously approved Decommissioning Plan upon finding that the modification better preserves the public health, safety, and welfare of the community.

7. Attorney Costs: The owner, operator, and property owner shall be jointly and severally responsible for the payment of all attorney fees and other costs incurred by the Township in the event that the Township has to enforce removal or restoration.

H. Application Materials: In addition to information required for site plan and special use permit applications, applications for Data Centers must submit the following additional information with the special use permit application. All studies shall be performed by an independent qualified industry professional.

- 1. Identification: The name and address in full of the applicant, developer, owner, operator, and property owners and any additional contact information shall be submitted.
- 2. Proof of Ownership or Control: Copies of recorded deeds, purchase agreements, leases, or similar documents for properties within the Data Center that confirm

the applicant has control of the property or the permission of the participating property owners to apply for the necessary approvals and permits for construction and operation of a Data Center.

3. Project Description: A general description of the proposed project and an anticipated construction schedule shall be submitted.
4. Architectural Renderings~~Conceptual Plan: Illustrating compliance with façade requirements around the exterior of the building/s. A graphical computer-generated depiction of how the Data Center will appear from all directions shall be submitted.~~
5. Documentation: A complete set of photos and/or video of the entire development area, including construction access roads, as it exists before the application date shall be submitted.
6. Power Purchase Agreement: A copy of the power purchase agreement or other written agreement with an electric utility showing approval of an interconnection with the proposed Data Center Facility shall be submitted.
7. Road Agencies: Proof of approval or conditional approval by any road agency from which the Data Center will have access or whose roads will be used as a construction or maintenance route shall be submitted.
8. Drain Commission: Proof of approval or conditional approval by and the Livingston County Drain Commission for any Data Center that has participating properties with a county drain or proposes improvements within a county drain easement.
9. Traffic Impact Study: A copy of the traffic impact study including construction and operational impacts.
10. Lighting Plan: Demonstrating 0.0 footcandles at the property line.
11. Noise & Vibration Study: At time of application the applicant shall provide an ambient noise study along with noise and vibration estimates of project. Prior to Certificate of Occupancy a Final Noise and Vibration Study shall be submitted to demonstrate post construction compliance.
12. Estimated Water Usage: The estimated average water usage per day from the municipal water service. The applicant shall acquire approval from municipal service provider and demonstrate the water provider has capacity to meet the proposal estimates.
13. Estimated Energy Usage: The estimated average energy usage that is continuously used from the energy service provider. The applicant shall acquire approval from the energy service provider and demonstrate energy service provider has capacity to meet the proposal estimates.

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14. Water Management Plan: Include associated conservation and water quality practices.

15. Energy Management Plan: Include associated conservation and efficiency techniques.

16. Operations Plan: A copy of the Operations plan including staffing and maintenance schedules.

17. Wildlife Impact: A copy of the wildlife impact analysis shall be submitted.

18. Environmental Impact: A copy of the environmental impact analysis shall be submitted.

19. Soil Analysis: Perform a soil chemical analysis to establish baseline soil characteristics for restoration thresholds.

20. Complaint Resolution Protocol: A copy of complaint resolution protocol shall be submitted.

21. Decommissioning Plan: A copy of the decommissioning plan shall be submitted.

22. Emergency Action Plan: A copy of the Emergency Action plan shall be submitted.

23. Financial Impact: Statement of anticipated tax abetment laws or practices to be utilized for the project.

24. Right-to-Enter: Submission of an application for a Data Center grants the Township and its agents the right to enter the facility and any participating property for inspection of the Data Center at any reasonable time. The Township may hire a consultant to assist with any such inspections at a reasonable cost to be charged to the applicant, owner, or operator.

25. Additional Information: Any additional information, studies, or documentation requested by the Township or its agents that are deemed necessary to determine compliance with this Ordinance and other applicable laws and regulations.

I. Monitory and Reporting: The following reports shall be submitted to the Zoning Administrator on an annual basis:

1. Noise Level Monitory Summary

2. Energy Usage Report

3. Water Usage Report

4. Proof of Annual Emergency Training Opportunity

5. Compliancy with all Required EGLE permits

6. Complaint Resolution Report

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5. AMENDMENT OF ARTICLE XIIA: WELLHEAD PROTECTION OVERLAY DISTRICT

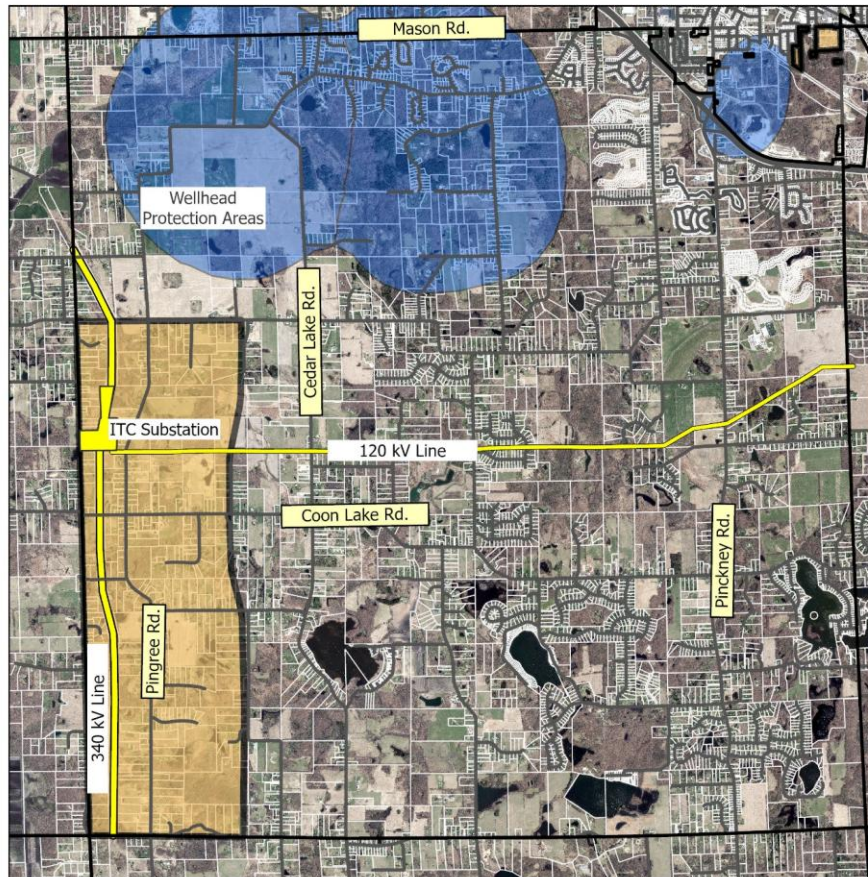
SECTION 12A.08(N) OF THE ZONING ORDINANCE IS HEREBY ADDED TO READ AS FOLLOWS:

Blue, underlined text to be added. ~~Red, strikethrough text to be deleted~~

N. Data centers.

6. AMENDMENT OF TABLE OF CONTENTS

The Table of Contents of the Zoning Ordinance is hereby amended for consistency with the above revisions and to accommodate repagination.



Legend

- Current Draft RR & LI
- ITC Substation

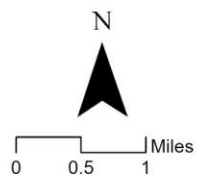
---DISCUSSION---

Marion Township

Current Draft-Data Center

Permitted Areas

Zoned Rural Residential, 1 Mile from High
Voltage Transmission Lines



5

DATA CENTERS

10

**Marion Township Zoning Ordinance
Livingston County, Michigan**

Draft for Planning Commission review

15

V2

20

25

MARION TOWNSHIP
ZONING ORDINANCE TEXT AMENDMENT
DATA CENTERS

- 5 An amendment to the Marion Township Zoning Ordinance to amend definitions related to data centers; amend uses permitted by special use permit; amend standards for data centers; and amend the table of contents accordingly.

1. AMENDMENT OF ARTICLE III: DEFINITIONS

- 10 SECTION 3.02 DEFINITIONS OF THE ZONING ORDINANCE IS HEREBY AMENDED
TO ADD THE FOLLOWING ~~DATA CENTER~~ DEFINITIONS, WHICH SHALL READ AS
FOLLOWS:

[Blue, underlined text to be added. Red, strikethrough text to be deleted]

- 15 **Data Center:** A facility used primarily for the storage, management, process, or
transmission of digital data that may include computer or network equipment, systems,
servers, appliances, or other components related to digital data operations. The use
may also include air handlers, power generators, water cooling and storage facilities,
utility substations, and other ~~associated utility~~ related infrastructure to support
operations.

- 20 **Accessory Data Center:** Subordinate to principal use and less than 10,000 sq ft.
Small-Scale Data Center: A center less than 25,000 sq ft. Minimum lot size of 2 acres.
Large-Scale Data Center: A center between 25,000 and 99,999 sq ft gross floor area.
Minimum lot size 7 acres.
Hyper-Scale Data Center: A center equal or greater than 100,000 sq ft gross floor
25 area. Or any data center project consisting of more than one (1) principal use building.
Minimum lot size 10 acres.

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SECTION 3.02 DEFINITIONS OF THE ZONING ORDINANCE IS HEREBY AMENDED
TO DELETE THE FOLLOWING DATA PROCESSING FACILITY DEFINITION:

- 30 ~~**Data Processing Facility:** A building, dedicated space within a building, or group of~~
~~structures located on one or more acres of land used to house a large group of computer~~
~~systems and associated components, such as telecommunications and data processing~~
~~systems, to be used for the remote storage, processing, or distribution of large amounts~~
~~of data. Examples of such data include, but are not limited to, computationally intensive~~
35 ~~applications such as blockchain technology, cryptocurrency mining, weather modeling,~~
~~genome sequencing, etc. Such facilities may also include air handlers, power generators,~~
~~water cooling and storage facilities, utility substations, and other associated utility~~
~~infrastructure to support operations.~~

2. AMENDMENT OF ARTICLE VII: ZONING DISTRICTS AND MAP

SECTION 7.01 OF THE ZONING ORDINANCE IS HEREBY AMENDED TO INCLUDE THE DATA CENTER OVERLAY DISTRICT UNDER "OTHER AREAS"

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DCO: Data Center Overlay District See Section 17.36

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~~2.3.~~ AMENDMENT OF ARTICLE ~~VIII:~~ HIGHWAY SERVICE DISTRICT ~~VIII:~~ RESIDENTIAL DISTRICTS

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SECTION ~~9.01(D)(12)~~~~8.01(E)(22)~~ RURAL RESIDENTIAL SPECIAL USES, OF THE ZONING ORDINANCE IS HEREBY ADDED TO READ AS FOLLOWS:

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~~Data Centers~~ Accessory Data Centers

Small-Scale Data Centers

Large-Scale Data Centers

Hyper-Scale Data Centers

~~3.4.~~ AMENDMENT OF ARTICLE X: INDUSTRIAL DISTRICTS

SECTION 10.01(D)(5) LIGHT INDUSTRIAL SPECIAL USES, OF THE ZONING ORDINANCE IS HEREBY AMENDED TO READ AS FOLLOWS:

[Blue, underlined text to be added.] ~~[Red, strikethrough text to be deleted]~~

~~Data Centers~~ Accessory Data Centers

Small-Scale Data Centers

Large-Scale Data Centers

Hyper-Scale Data Centers

~~4.5.~~ AMENDMENT OF ARTICLE XVII: STANDARDS FOR SPECIFIC SPECIAL LAND USES

REPLACE IN ITS ENTIRETY SECTION 17.36 DATA PROCESSING FACILITY OF THE ZONING ORDINANCE TO READ AS FOLLOWS:

[Blue, underlined text to be added.] ~~[Red, strikethrough text to be deleted]~~

Section 17.36 Data Centers

A. Intent and Purpose: The intent and purpose of this section is to establish standards for the siting, installation, operation, decommissioning, and removal of Data Centers and related accessory uses; establish the process for the reviewing and permitting of such facilities; protect the health, welfare, safety, and quality of life of the general

public; ensure compatibility with land uses in the surrounding area; ensure adequate capacity for public services and infrastructure for Data Centers and the community; and protect and preserve the existing and desired rural character of the community.

B. Locational Requirements: Data Centers are subject to the locational requirements below.

1. Wellhead Protection: Data Centers shall not be located within a wellhead protection area.
2. Spacing: Data Centers shall be at least two thousand five hundred (2,500) feet from any existing or approved Data Center, including ones in adjacent communities.

~~3. Electrical: The site shall be located within one (1) mile of an existing high voltage electrical transmission corridor.~~ Data Center Overlay District: Large-Scale and Hyperscale Data Centers are permitted as a Special Use in Data Center Overlay District.

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C. Site Requirements: Data Center sites shall meet the site standards below.

1. Site Composition: The site shall consist of ~~a~~ single parcel. When a site crosses a road or is otherwise unable to be combined into a single parcel, all parcels shall be owned and controlled by a single entity.

2. Lot Area:

a. Accessory Data Center: Minimum lot size 1 acre.

b. Small-Scale Data Center: Minimum lot size of 2 acres.

c. Large-Scale Data Center: Minimum lot size 7 acres.

~~a.d. Hyper-Scale Data Center: Minimum lot size 10 acres. The site shall have a total net lot area of at least ten (10) acres and a maximum total net lot area of six hundred forty (640) acres.~~

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~~2.3.~~ Access: The site shall have direct access from a paved county road.

~~1.4.~~ Parking: The developer shall provide a staffing plan for the Data Center and provide one (1) space per employee.

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D. Buffering Requirements: Data Centers shall have a landscape buffer outlined below in addition to what is required in Section 6.13 Landscaping, Fencing, Walls and Screening. In case of a conflict, these standards below shall control.

~~2.1.~~ Width: The buffer shall be at least one hundred (100) feet wide.

~~3.2.~~ Berm: When a project is adjacent to a residential zoned property a minimum size berm of at least fifteen (15) feet high shall be located within the landscape buffer. The berm shall be setback and designed to not increase stormwater flow to adjacent properties.

~~4.3.~~ Vegetation: The landscape buffer shall be vegetated as described below.

- a. Shade Trees: There shall be a shade tree for every seventy-five (75) feet of exterior frontage or fraction thereof. Trees shall have a caliper of at least two

point five (2.5) inches at the time of planting. A maximum of ten (10) percent of shade trees can be from a single species.

- b. Evergreen Trees: Evergreens shall be planted fifteen (15) feet apart in two (2) staggered rows spaced fifteen (15) feet apart. Trees shall have a height of at least six (6) feet at the time of planting. A maximum of fifteen (15) percent of evergreen trees can be from a single species.

~~5-4.~~ Modification: The Planning Commission can recommend and the Township Board can approve a modification of these buffering standards provided the proposed modification would provide equal or better screening to adjacent properties and consideration of the following:

- a. The proposed modification is necessary to protect or preserve existing vegetation;
- b. The proposed modification preserves important vegetation or wildlife habitat;
- c. The proposed modification is necessary for environmental reasons;
- d. The proposed modification is the minimum necessary.

~~6-5.~~ Maintenance: Good arboricultural techniques and shall ~~be~~ follow guidelines set by the United States Department of Agriculture in the Tree Owner's Manual for Northeastern and Midwestern United States. ~~ed with respect to vegetation, including, but not limited to, proper pruning, proper fertilizing, and proper mulching, so that the vegetation will reach maturity as soon as practical and will have maximum foliage density.~~ Dead or diseased vegetation shall be removed and must be replaced in a manner consistent with these standards at the next appropriate planting season.

- a. Annual Inspection: Data Centers will be inspected ~~on at least an annual~~ y ~~basis~~ to ensure continued compliance with these buffering requirements.
- b. Violation: A confirmed violation of the buffering requirements must be corrected within thirty (30) days of receiving notice or the next planting season. ~~If a violation is not corrected, the Township may enter the property and use the performance guarantee to take corrective action. This does not preclude any other legal remedy or penalty.~~

E. Performance Standards In addition to the general standards of this Ordinance, Data Centers shall meet the performance standards below.

1. Setbacks: Buildings shall be setback at least one hundred fifty (150) feet from lot lines and at least five hundred (500) feet from adjacent residential dwellings, schools, and religious institutions.
2. Building Height: Buildings shall have a maximum height of thirty-five (35) ~~twenty-nine (29)~~ feet.
3. Building Area: Individual buildings shall have a maximum area of one hundred fifty thousand (150,000) square feet.

Commented [MH1]: Landscape violations can rely on existing fines and penalties. The only performance guarantee in the ordinance relates to decommissioning.

4. Building Coverage: Maximum building coverage is forty (~~60~~40) percent of the net lot area.
5. Municipal Utilities: Data Centers must be connected to and served by municipal water and sanitary sewer systems. On-site wells or septic field are not permitted. ~~Applicant shall provide estimated annual water demand as part of the application.~~
6. Cooling: Cooling systems serving Data Centers shall be closed loop system.
7. Battery Storage: Battery Storage is prohibited.
8. Power Generation: Routine or primary power generation is prohibited, except where expressly permitted. Emergency backup generators are permitted subject to the standards below.
- a. Use: Except for testing, exercise, or commissioning activities, generator use is limited to emergency backup use only.
- b. Hours: Generator testing, exercise, and commissioning is limited to the hours between 11:00 am and 5:00 pm.
- c. Fuel storage must comply with applicable state and federal regulations.
9. Buildings: Buildings associated with Data Centers shall meet the design standards below.
- a. Façade Materials: Façades visible from off-site shall have at least fifty (50) percent of their surface area clad in face brick and at least ten (10) percent of their surface clad in glass. Spandrel glass does not qualify.
- b. Roof: Buildings with a lot coverage of more than fifty thousand (50,000) square feet shall have a roof with white or light colors, a planted green roof, or solar panels.
- c. Mechanical Equipment: Roof-mounted mechanical equipment shall be fully screened to the height of the equipment.
- d. Loading Bays: Loading bays shall only be located along one façade per building and shall not be on the front façade.
10. Lighting: In addition to the lighting standards in §14.04(E) Lighting, Data Centers shall meet the specific lighting standards below.
- a. Intensity: Lighting shall be installed in a manner so that no illumination sources are visible beyond all property lines or 0.0 footcandles. ~~Intensity: The maximum illumination level anywhere within the site shall be ten (10) footcandles.~~
- b. Height: Building and pole-mounted light fixtures shall have a maximum height of eighteen (18) feet.
- c. Hours: Exterior lighting shall be turned off from one (1) hour after sunset to one (1) hour before sunrise. This shall not apply to the minimum lighting needed for construction or emergency service, required by building code, required for staff parking lots, or motion-activated lighting required for safety or security.

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- d. Color Temperature: Lighting shall have a maximum color temperature of ~~2800K~~ 3500K.

11. Security: Data Centers shall provide the security below.

- a. Perimeter Fencing: The Data Center site shall have fencing around the facility to prevent unauthorized access and to screen the facility.

1) Height: The fence shall be between seven (7) feet and eight (8) feet tall.

2) Fence Posts: Fence posts shall extend at least thirty-six (36) inches into the ground, and gate posts and corner posts shall have a concrete foundation.

3) Fence Type: Fences visible outside the vegetative buffer shall be a woven agricultural-style fence. The Township may require or allow durable green opaque material to be integrated into the fence if necessary for buffering or screening. Fences not visible outside the vegetative buffer may be opaque wood, metal, or masonry or chain-link.

4) Alternative Fencing: Alternate fencing may be approved by the Township upon a finding that the alternative provides adequate access control and visual screening.

5) Wildlife Considerations: The Township may require or allow a fence design to allow for the passage of wildlife upon a finding that adequate access control and visual screening will be preserved.

- b. Gate Access: Gates shall be provided at all access points, unless otherwise permitted or approved. Gates for vehicular access shall be approved by the Fire Authority.

1) Gate Type: Gates shall be the same height and constructed of the same material as the fencing, unless otherwise approved.

2) Emergency Access: Access, such as Knox box, access codes, or emergency siren activation, shall be provided for emergency responders.

3) Gate House: Gate houses with around the clock staffing may be required if determined necessary to provide appropriate safety for and access to the Data Center site.

12. Sound: The sound generated by a Data Center must meet the sound standards of this Ordinance and the additional standards below.

- c. Day Sound Level: The maximum sound level shall be forty (40) dB(A) Leq, as measured at the project boundary and road rights-of-way between the hours of 7:00 am and 9:00 pm.

- d. Night Sound Level: The maximum sound level shall be thirty-five (35) Leg dB(A) , as measured at the project boundary and road rights-of-way between the hours of 9:00 pm and 7:00 am.

- e. Pure Tone: If pure tones are produced, the maximum sound level shall be reduced by five (5) dB(A) and dB(C).
- f. Difference: The maximum difference between dB(A) and dB(C) shall be ten (10) decibels.
- 5 g. Ambient Sound: If the ambient sound levels exceed these standards, the maximum sound level shall be the ambient sound level plus five (5) dB(A).
- h. Continued Compliance: The sound level generated by a Data Center must be inspected every year, at the operator's expense, by an auditory expert to ensure compliance with applicable sound standards.
- 10 13. Utility Substations: Utility substations shall be located within the landscape buffer and shall be at least five hundred (500) feet from any adjacent residential dwelling, school, or religious institution.
- 14. Wildlife: Data Centers shall be designed, sited, and operated in a manner to minimize impact on wildlife.
- 15 a. Wildlife Impact Analysis: An analysis to identify and assess any potential impacts on wildlife and endangered species shall be prepared by a qualified third-party professional acceptable to the Township. At a minimum, the analysis shall include a thorough review of existing information regarding species and potential habitats in the vicinity of the project area. Where
- 20 appropriate, surveys for bats, raptors, or general avian use should be conducted. The analysis shall include the potential effects on species listed under the federal Endangered Species Act and Michigan's Endangered Species Protection Law.
- 25 b. Adverse Impacts: Appropriate measures shall be taken to minimize, eliminate, or mitigate adverse impacts identified in the analysis. The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts.
- 30 c. Special Scrutiny: Sites requiring special scrutiny include wildlife refuges, other areas where birds are highly concentrated, bat hibernacula, wooded ridge tops that attract wildlife, sites that are frequented by federally- or state-listed endangered species of birds and bats, significant bird migration pathways, and areas that have landscape features known to attract large numbers of raptors.
- 35 d. US Fish and Wildlife Service: The applicant shall follow all pre-construction and post-construction recommendations of the United States Fish and Wildlife Service.
- 15. Environment: Data Centers shall be designed, sited, and operated to minimize impact on the environment.
- 40 a. Environmental Impact Analysis: An analysis to identify and assess any potential impacts on the natural environment including, but not limited to, trees, wetlands, and other fragile ecosystems, shall be prepared by a

qualified third-party professional acceptable to the Township zoning administrator, engineer, and planner.

b. Adverse Impacts: Appropriate measures shall be taken to minimize, eliminate, or mitigate adverse impacts identified in the analysis. The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts.

c. Tree Mitigation: Trees with a DBH of twenty (20) or more inches with good or excellent health, shall be replaced with three (3) shaded trees with a caliper of two point five (2.5) inches. To the extent feasible, the trees shall be located within the site. The Planning Commission may recommend and the Township Board may approve planting of replacement trees on other properties.

d. Site Preservation: Areas of the site not required for development shall be preserved in their natural condition or used for agriculture. Areas to be developed for future phases shall remain in their natural condition or used for agriculture until that phase is developed.

e. Environmental Laws: Data Centers shall comply with applicable parts of the Michigan Natural Resources and Environmental Protection Act (Act 451 of 1994, MCL 324.101 et seq.), Part 91 Soil Erosion and Sedimentation Control (MCL 324.9101 et seq.), Part 301 Inland Lakes and Streams (MCL 324.30101 et seq.), Part 303 Wetlands (MCL 324.30301 et seq.), Part 323 Shoreland Protection and Management (MCL 324.32301 et seq.), Part 325 Great Lakes Submerged Lands (MCL 324.32501 et seq.), and Part 353 Sand Dunes Protection and Management (MCL 324.35301 et seq.).

~~e.~~f. Wastewater: Wastewater shall not be discharged directly into an open water source and must be processed at a municipal water treatment facility.

~~f.~~g. Containment System: A containment system shall surround any transformers in case of hazardous waste or oil spills.

~~g.~~h. Removal: All solid and hazardous waste materials shall be promptly removed from the site and disposed of properly.

~~h.~~i. Responsibility: The Data Center owner, operator, and property owner shall be responsible, jointly and severally, for mitigating erosion, flooding, and all other environmental impacts resulting from the facility.

16. Emergency Action Plan: Data Centers shall have an emergency action plan to identify actions to be taken in event of an emergency.

a. Fire Suppression: The Emergency Action Plan must include a fire suppression plan, including the technology to be used.

b. Special Equipment and Training: The Emergency Action Plan shall identify special equipment and training that are required for emergency response to a Data Center.

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- c. Clean-up: The Emergency Action Plan must include plans for immediate cleanup and long-term remediation efforts following an emergency.
- d. Emergency Training: Before the Data Center is operational and annually thereafter, it must provide the necessary training, equipment, or agreements specified in the emergency action plan to the Township or other emergency personnel. All training must be consistent with current industry standards.
- e. Public Record: The Emergency Action Plan will be a public record. Copies shall be shared with all relevant first responding agencies.

F. General Provisions: Data Centers are subject to the general provisions below.

1. Violations of this section may be subject to civil infraction penalties as follows:

a) Administrative Violations (5-day Cure)

- 1) Late Filings, minor reporting errors, and bond adjustments
- 2) Fine \$1,000/day (after 5-day cure period)

b) Operational Violations (Immediate Fine)

- 1) Noise/Light exceedance: \$5,000/violation
- 2) Generator Abuse (outside limits): \$5,000/violation
- 3) Wet cooling operation: \$5,000/day
- 4) On-site Renewable failure: \$10,000/day
- 5) Supply Chain/APGA non-compliance: \$5,000/day
- 6) Unauthorized Phase Advance: Commencing construction of a subsequent phase without a Certificate of Completion for the prior phase: \$5,000/day of unauthorized work

c) Environmental Emergencies (Immediate Fine + Bond)

- 1) Groundwater impact: 150% of remediation cost per well/day (min \$10,000, max \$500,000 total)
- 2) PFAS exceedance: \$25,000/day per exceedance
- 3) Hazardous material storage: \$10,000/day
- 4) E-Waste violation: \$15,000/day per violation
- 5) GHG reporting failure: \$10,000/day per scope
- 6) Chemical Discharge violation: Discharge of prohibited chemicals or failure to meet discharge limits: \$25,000/day per violation

d) Financial Defaults

- 1) Carbon Fee non-payment \$5,000/day + interest
- 2) Bond Forfeiture: Full Bond Amount

e) Cumulative Fine and Daily Cap

- 1) Total fines for all violations shall not exceed \$500,000 per day

Commented [MH2]: Violations and Penalties to be reviewed by Township Attorney

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2) Fines for multiple violations are cumulative up to the cap

f) Repeat Offender

- 1) 2 violations in one year elevates to a Class C misdemeanor (up to \$5,000 + 90 days in jail)

- 5 2. Damage Repair: The owner, operator, and property owner shall be responsible, jointly and severally, for making repairs to any public roads, drains, or infrastructure damaged by the construction, use, or maintenance of, or damage to the Data Center.
- 10 3. Renewable Energy: Data Centers may be co-located with renewable energy facilities, provided the renewable energy facility is intended primarily to serve the Data Center. Review and approval are required for each use.
- 15 4. Mixed Facilities: Data Centers may be co-located with other uses that use the waste heat, such as a greenhouse operation.
5. ~~Modifications: Any modifications of an approved site plan or special use permit that are made after the initial date of approval shall require new site plan and special use permit applications. Any changes of the approved site plan or special use permit will be subject to this Ordinance as it exists at time of this new application.~~
- 20 6. Transfer or Sale: In the event of a transfer or sale of a Data Center, the new owner or operator must do the following.
- a. Notify: The new owner or operator must notify the Township within thirty (30) days of the transfer or sale. The zoning administrator shall administratively amend the permit to name the new owner or operator;
- 25 b. Site Improvements: The Zoning Administrator will inspect the site and provide notification of any deviations or violations of the approved site plan, special use permit, or this Ordinance. Corrections shall be made within forty-five (45) days or the next planting season for landscape corrections; and
- 30 c. Decommissioning Performance Guarantee: Estimated costs of decommissioning and restoration shall be recalculated, and the performance guarantee shall be adjusted accordingly. The performance guarantee shall be transferred to the new owner or operator.
- 35 7. Phasing: When Data Centers are proposed to be constructed in phases the following standards shall apply: ~~may be constructed in phases as described below.~~
- a. Description: The site plan and narrative must provide a description of the proposed phasing, including phasing lines.
- b. Period: All phases must be completed within six (6) years of final site plan approval or a new site plan must be approved, subject to the standards in place at the time of application.

Commented [MH3]: 18.07 Amendment of Approved Site Plan already requires re-application.: "An approved final site plan may be amended upon re-application including any fees required and in accordance with the procedure herein for the final site plan."

- c. Completion: All buffering, security, and infrastructure improvements must be completed as part of the first phase.

G. Decommissioning, Abandonment, and Restoration: The site shall be decommissioned and restored following the operational life or abandonment of the Data Center.

1. Decommissioning Plan: A Decommissioning Plan shall be prepared by a qualified third-party professional acceptable to the Township zoning administrator, engineer, and planner and should encompass the following:-
 - a. Anticipated Life: The Decommissioning Plan shall describe the anticipated life span of the Data Center.
 - b. Removal: Describe methods for removal of structures, equipment, utilities and impervious surfaces.
 - c. Disposal: Description of recycling and disposal of equipment and hazardous materials.
 - d. Restoration: Description of final grading and revegetation.
 - e. Decommissioning Costs: ~~The Decommissioning Plan shall~~ provide an itemized ~~probable~~ cost estimate for scope of decommissioning. ~~including current cost and cost at the time of decommissioning.~~
 - f. Payment/How Paid: ~~The Decommissioning Plan shall~~ provide a description ~~of the how~~ decommissioning payment process. ~~costs will be paid.~~
2. Decommissioning Performance Guarantee: A performance guarantee for decommissioning and restoration of the Data Center shall be provided before construction commences and shall be held in an escrow account until confirmation that the site has been fully restored.
 - a. Value: The performance guarantee shall be equal to one hundred twenty-five (125%) percent of the cost to remove and restore the Data Center as determined in the Decommissioning Plan. Cost estimate to be completed by an independent third-party. must be from an independent source.
 - b. Routine Review/Regular Updating: The Decommissioning Plan shall be updated on a regular basis, at minimum at least once every three (3) years and adjusted for inflation. Additional security may be required to account for increased anticipated decommissioning costs during the preceding three (3) years.
 - c. Form: The performance guarantee shall be in the form of cash deposited with the Township or an irrevocable letter of credit naming the Township as the beneficiary. A surety bond is not acceptable.
3. Abandonment: Data Centers that are not operated for a continuous period of six (6) months shall be considered abandoned, whether or not there is an intent to continue the use, and shall be removed and restored or restored to operation. An extension may be granted by the Township upon finding that the delay does

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not create a hazardous condition and the applicant has demonstrated a good-faith effort to continue operation.

a. Township Action: The Township may remove any abandoned or unsafe Data Center structures or components that are not removed or restored within the allowed time. The owner, operator, and property owner shall be jointly and severally responsible for any costs.

4. Chemical Analysis and Boring: A chemical analysis and boring of the soil, as recommended by the Township engineer shall be performed before any decommissioning work begins with the results compared to the baseline soil chemical analysis baseline test results obtained before construction of the Data Center.

a. Chemical Levels: All levels of any chemical entity found in the soil chemical analysis must be equal to or are lower than the levels of all chemical entities determined in the baseline testing performed prior to construction. If a new chemical entity, either organic or inorganic compounds, are identified in the soil chemical analysis, its level must be below established federal and state government levels for hazardous materials in soils for that chemical entity.

b. Report: A report of the soil chemical analysis must be provided to the Township within seven (7) days. If any chemical entity, organic or inorganic compounds, are above established federal and state government levels for hazardous materials in soils, the report must be submitted to the appropriate Federal and State regulatory agencies within seven (7) days of receiving the testing report showing a violation.

c. Violation Resolution: Once a violation has been determined and finalized, a reclamation plan for the contaminated soil must be developed and implemented to remove the contaminated soil from the Data Center. The reclamation plan must meet all Federal and State regulations for the reclamation of a contaminated site. The plan must be approved by the Township Board and the Township engineer. Once the contaminated soil has been removed and replaced with uncontaminated soil, a final soil chemical analysis shall be performed to confirm the Data Center site soils have been returned to their original state for levels of organic and inorganic compounds that existed before construction.

d. Cation Exchange Capacity: A Cation Exchange Capacity soil test shall also be required at the completion of the decommission process.

e. Violation Remediation: Any negative variations from the preconstruction soil testing must be remedied and the final results of the testing approved by the township engineer and the Township Board.

6. Removal and Restoration Standards

a) Ground Restoration: The ground must be restored to its original topography and land must be restored to a depth of three (3) feet below grade within three hundred sixty-five (365) days of abandonment or decommissioning. An

extension may be granted by the Township if a good-faith effort has been demonstrated and any delay is not the result of actions or inaction of the operator. An alternative topography can be approved by the Township as part of the original site plan review or later as part of decommissioning.

- b) Compaction Prevention: All abandonment and decommissioning work must be done when soil is dry or frozen to prevent compaction.
 - c) Land Balancing: If land balancing is required, all topsoil will be saved and spread evenly over the balanced area.
 - d) Vegetation: Disturbed land shall be revegetated at the next appropriate planting season.
 - e) Disposal: All structures, equipment, and waste shall be removed from the site and disposed of properly.
 - f) Modification: The Planning Commission can recommend and the Township Board can approve modifications to a previously approved Decommissioning Plan upon finding that the modification better preserves the public health, safety, and welfare of the community.
7. Attorney Costs: The owner, operator, and property owner shall be jointly and severally responsible for the payment of all attorney fees and other costs incurred by the Township in the event that the Township has to enforce removal or restoration.

H. Application Materials: In addition to information required for site plan and special use permit applications, applications for Data Centers must submit the following additional information with the special use permit application. All studies shall be performed by an independent qualified industry professional.

- 1. Identification: The name and address in full of the applicant, developer, owner, operator, and property owners and any additional contact information shall be submitted.
- 2. Proof of Ownership or Control: Copies of recorded deeds, purchase agreements, leases, or similar documents for properties within the Data Center that confirm the applicant has control of the property or the permission of the participating property owners to apply for the necessary approvals and permits for construction and operation of a Data Center.
- 3. Project Description: A general description of the proposed project and an anticipated construction schedule shall be submitted.
- 4. Architectural Renderings~~Conceptual Plan: Illustrating compliance with façade requirements around the exterior of the building/s. A graphical computer-generated depiction of how the Data Center will appear from all directions shall be submitted.~~

5. Documentation: A complete set of photos and/or video of the entire development area, including construction access roads, as it exists before the application date shall be submitted.

6. Power Purchase Agreement: A copy of the power purchase agreement or other written agreement with an electric utility showing approval of an interconnection with the proposed Data Center Facility shall be submitted.

7. Road Agencies: Proof of approval or conditional approval by any road agency from which the Data Center will have access or whose roads will be used as a construction or maintenance route shall be submitted.

8. Drain Commission: Proof of approval or conditional approval by and the Livingston County Drain Commission for any Data Center that has participating properties with a county drain or proposes improvements within a county drain easement.

9. Traffic Impact Study: A copy of the traffic impact study including construction and operational impacts.

10. Lighting Plan: Demonstrating 0.0 footcandles at the property line.

11. Noise & Vibration Study: At time of application the applicant shall provide an ambient noise study along with noise and vibration estimates of project. Prior to Certificate of Occupancy a Final Noise and Vibration Study shall be submitted to demonstrate post construction compliance.

12. Estimated Water Usage: The estimated average water usage per day from the municipal water service. The applicant shall acquire approval from municipal service provider and demonstrate the water provider has capacity to meet the proposal estimates.

13. Estimated Energy Usage: The estimated average energy usage that is continuously used from the energy service provider. The applicant shall acquire approval from the energy service provider and demonstrate energy service provider has capacity to meet the proposal estimates.

14. Water Management Plan: Include associated conservation and water quality practices.

15. Energy Management Plan: Include associated conservation and efficiency techniques.

16. Operations Plan: A copy of the Operations plan including staffing and maintenance schedules.

17. Wildlife Impact: A copy of the wildlife impact analysis shall be submitted.

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18. Environmental Impact: A copy of the environmental impact analysis shall be submitted.

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~~42.~~19. Soil Analysis: Perform a soil chemical analysis to establish baseline soil characteristics for restoration thresholds.

~~43.~~20. Complaint Resolution Protocol: A copy of complaint resolution protocol shall be submitted.

~~44.~~21. Decommissioning Plan: A copy of the decommissioning plan shall be submitted.

22. Emergency Action Plan: A copy of the Emergency Action plan shall be submitted.

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~~45.~~23. Financial Impact: Statement of anticipated tax abatement laws or practices to be utilized for the project.

~~46.~~24. Right-to-Enter: Submission of an application for a Data Center grants the Township and its agents the right to enter the facility and any participating property for inspection of the Data Center at any reasonable time. The Township may hire a consultant to assist with any such inspections at a reasonable cost to be charged to the applicant, owner, or operator.

25. Additional Information: Any additional information, studies, or documentation requested by the Township or its agents that are deemed necessary to determine compliance with this Ordinance and other applicable laws and regulations.

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I. Monitory and Reporting: The following reports shall be submitted to the Zoning Administrator on an annual basis:

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1. Noise Level Monitory Summary

2. Energy Usage Report

3. Water Usage Report

4. Community Host Payment

5. Proof of Annual Emergency Training Opportunity

6. Compliancy with all Required EGLE permits

~~4.~~7. Complaint Resolution Report

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J. Community Host Agreement:

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1. Intent: The intent of this Section is to ensure that data centers located within the community contribute fairly to the public costs associated with their substantial water and energy demands. Data centers typically require continuous, high-volume utility usage that can place increased pressure on municipal water supply, wastewater capacity, and electrical infrastructure. These impacts can create long-term fiscal, environmental, and operational burdens for the host community.

2. Payments to be calculated as follows:

a. Water Usage: For every 10,000 gallons of water used on an average day the developer will pay \$500 annually.

~~a.~~b. Electricity Usage: For every 20 MW of continuous average daily use the developer will pay \$15,000 annually.

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5 **5.6. AMENDMENT OF ARTICLE XIIA: WELLHEAD PROTECTION OVERLAY DISTRICT**

SECTION 12A.08(N) OF THE ZONING ORDINANCE IS HEREBY ADDED TO READ AS FOLLOWS:

[Blue, underlined text to be added.] ~~Red, strikethrough text to be deleted~~

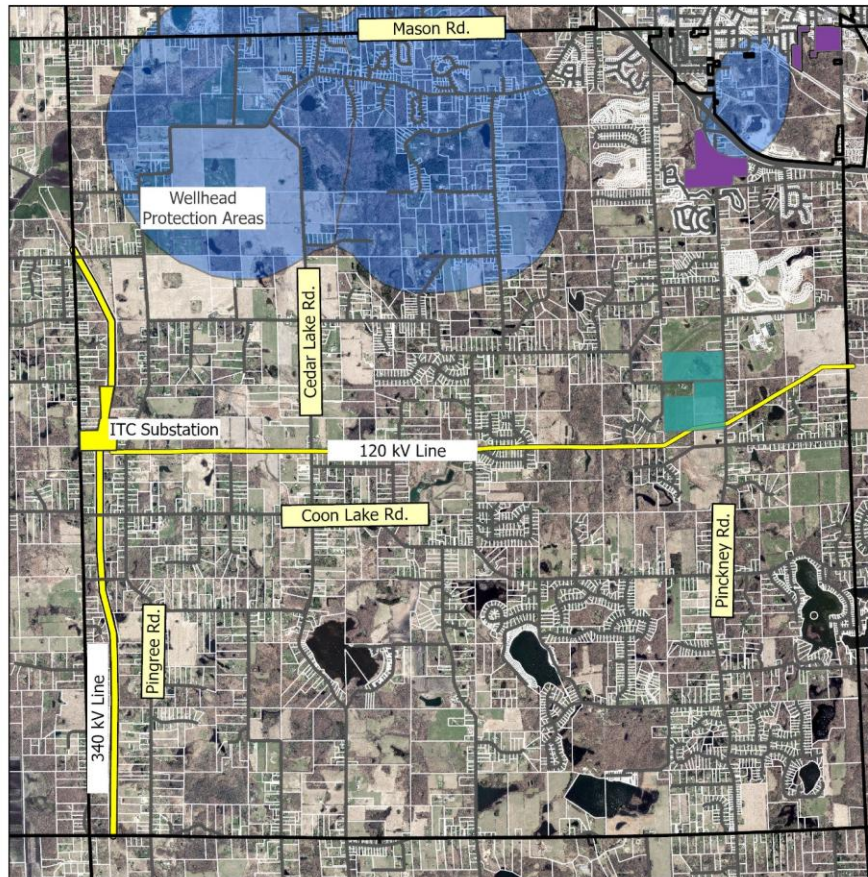
10 **N.** Data centers.

6.7. AMENDMENT OF TABLE OF CONTENTS

The Table of Contents of the Zoning Ordinance is hereby amended for consistency with the above revisions and to accommodate repagination.

15

7.8. ZONING MAP AMENDMENT:



Legend

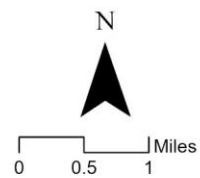
- Draft Overlay
- Industrial and Highway Service Districts

---DISCUSSION---

Marion Township

Potential Areas to consider in Data Center Overlay

Also permitted in Industrial & Highway Service Commercial Districts





Livingston County Department of Planning

MEMORANDUM

TO: Marion Township Planning Commission

FROM: Martha Haglund, AICP, Principal Planner

DATE: August 17, 2026

**SUBJECT: Special Land Use Permit-D2 Contracting Operations
2320 Pingree Rd, Howell, MI (4710-18-100-002)**

Scott Barb
AICP, PEM
Planning Director

Robert A. Stanford
AICP, PEM
Principal Planner

Martha Haglund
AICP
Principal Planner

Abby Carrigan
Planning Intern

The applicant is seeking a Special Use Permit for a home business located on 16.01 acres on the west side of Pingree Rd. south of Jewell Rd. The business name is D2 Contracting and work as subcontractors for a variety of excavation projects. The applicant proposes using an existing 8400 sq ft accessory structure to store company equipment. No outdoor storage is proposed aside from the occasional moving of the equipment in and out of the accessory structure. Additionally, no vehicle maintenance or repairs are proposed within the facility.

Regarding operations the application states that there will not be regular reporting staff working on-site besides the homeowner that will be performing office/administrative duties for the business. The proposal describes the occasional moving of equipment when an employee is picking up or dropping off equipment during regular business hours.

Home Occupations are permitted special use in the Rural Residential and Suburban Residential Districts.

Planning Staff reviewed the application for compliance with 17.32 Special Use Home Occupations and summarized Section 16.04 Basis for Determination of a Special Land Use for the Planning Commission's consideration.

Department Information

Administration Building
304 E. Grand River Ave.
Suite 206

•
(517) 546-7555
Fax (517) 552-2347

•
Web Site
Milivcounty.com/planning

Area Description

	Zoning	Master Plan	Land Use
Subject Site	Rural Residential	Low Density Res.	Large Lot Res.
North	Rural Residential	Low Density Res.	Large Lot Res,
East	Rural Residential	Low Density Res,	Large Lot Res.
South	Rural Residential	Low Density Res.	Large Lot Res.
West	Rural Residential	Low Density Res,	Large Lot Res.



Aerial Map



Subject Area



Special Land Use: Section 17.32 Home Occupations

Home Occupation Regulations are provided in Section 6.14 and subject to Special Use Permit with the following considerations.

- A. A home-based business may be permitted in both the dwelling unit and accessory structure. The home-based business shall not occupy more than twenty-five (25%) percent of the total gross floor area of said dwelling including the basement; however, it may encompass the entire accessory structure. Accessory structures used for business purposes shall conform to Section 6.07 Accessory Buildings and Structures.**

Section 6.07 total coverage of accessory structures at a maximum of 0.03 per acre.

There are several outbuildings from the aerial measuring an approximate total of 10,600 sq ft or 0.25 an acre. The site is compliant with the amount of lot coverage.

The barn and accessory building submitted on the site plan meets all the setback requirements. However, there appears to be an accessory structure on the south boundary not shown on the site plan but present in the aerial photo that does not meet side yard setback standards of 15 feet. The applicant should demonstrate compliance with all setbacks.

- B. The residential appearance of the dwelling shall not be altered in order to conduct the home-based business.**

The applicant is not proposing alterations to the dwelling. Business is to be conducted in an existing 8,400 sq ft accessory building.



- C. The home-based business shall be clearly secondary and incidental to the use of the dwelling as a place of residence, and shall not result in a change to the essential character of the premises including both the dwelling and yard areas.**

The application acknowledges the home occupation will not result in a change to essential character of the premises. The Planning Commission may request more information about the frequency of equipment drop offs and pickups.

- D. All of the activities on the property related to equipment and vehicle repair, cleaning, painting and maintenance associated with the home-based business shall be carried on indoors.**

The application confirms operations will be fully enclosed aside from the occasional moving of equipment or vehicles. Also, the applications states, "No equipment or vehicle repair, cleaning or painting or maintenance is proposed on the property."

- E. Storage and use of combustible, toxic or hazardous material associated with the home-based business shall be done in a manner in full compliance with all federal, state and other governmental requirements concerning the use, handling, transport, storage and disposal of any such materials.**

The application states there will be no repair or maintenance of vehicles on site, and no hazardous waste will be generated on-site. The application also states, "Fuel and operating fluids integral to stored equipment will remain within the equipment's factory-installed tanks and systems."

- F. Solid or liquid refuse or waste or hazardous waste generated by the home-based business shall be safely and properly disposed of in a manner in full compliance with all federal, state and other governmental requirements of any such materials.**

The application acknowledges refuse will be properly disposed of. No dumpsters or large bins are being proposed on the site plan. The applicant should confirm routine disposal of refuse will be via residential pick-up.

- G. In no case will radioactive, medical, or biomedical chemicals or materials waste be received, used, processed or stored on the site of the home-based business.**

The application acknowledges this requirement. No radioactive, medial or biological chemicals will be on the premises.

- H. No equipment or process shall be used in such home-based business that creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal human senses off the subject site. In addition, in regard to electrical interference, no equipment or process shall be used that creates visual, audible, or noticeable interference in any radio or television receivers off the site or that causes fluctuation in line voltage off the site.**

The application acknowledges their home occupation shall not cause a nuisance to neighboring property owners. The application states, "No equipment or process will create noise, vibration glare, fumes, odors or electrical inference detectable beyond the property."



- I. The home-based business shall be conducted so it does not constitute a nuisance or annoyance to the residents of adjoining properties due to noise, smoke, odor, electrical disturbance or night lighting, or the creation of unreasonable traffic to the premises.**

The application acknowledges their home occupation shall not cause a nuisance to neighboring property owners. The application states, "No lighting will be directed off-site." The Planning Commission may ask for more details with regards to lighting or noise.

- J. A resident of the dwelling on the parcel shall be actively and personally engaged in and responsible for all home occupation operations. The number of non-resident employees who can be employed by a home-based business shall be regulated by the size of the parcel. Up to 6 acres: 1 employee, 10-12 acres 3 employees and 12 or more acres 4 employees.**

The homeowner will be the main staff on-site. The site is 16 acres and allows up to 4 regular, non-resident employees. The application states there will be occasional staff picking up or dropping off equipment but no regular staff besides the homeowner. The application acknowledges the home occupation will not exceed 4 non-resident employees.

- K. Outdoor storage of materials and equipment involved in the business is permitted provided it is adequately screened so it is not visible from adjoining roads and properties. Measures to screen such material or equipment are subject to the recommendation of the Planning Commission and approval of the Township Board and shall include, but are not limited to, one or more of the following: a solid fence no more than six feet in height; plantings that are at least five feet in height at planting and will provide an adequate year-round screen; the topography of the site; existing vegetation on the site; or the screening is provided by existing buildings.**

The application acknowledges that there will be no outdoor storage and equipment will be fully enclosed within the existing 8400 sq ft accessory structure. However, the aerial photo appears to have equipment or trailers stored outside. The applicant should ensure compliance with outdoor storage standards. There does not appear to be any proposed screening of additional landscaping. The Planning Commission may ask for more information regarding screening, specifically along the south boundary of the property.

- L. The home-based business shall comply with all applicable federal, state and local laws, including, but not limited to, laws regarding licensing, occupational health and safety, and the environment.**

The application acknowledges compliance with federal, state, and local laws.

- M. Home-based business approval is not transferable with the sale, rental or lease of the dwelling unit.**

The application acknowledges the Special Use Permit is not transferable.



N. Home-based businesses are allowed signage. See Article XV Signage.

No signage is proposed. Application is compliant.

- O. Visitors, customers and deliveries shall not exceed a total of twelve (12) during a single day, 7am – 7pm. The Planning Commission may recommend or the Township Board may modify this standard in the case where the Planning Commission or the Township Board determines that the operation of the home-based business will unreasonably interfere with the use and enjoyment of nearby properties and/or undermine the intended character of the area. No traffic shall be generated by the home-based business in volumes in excess of that which is normally associated with a single-family dwelling, and such traffic shall be limited to passenger vehicles, delivery vans, and similarly-sized vehicles. The Township Board may relax this requirement upon a finding that the allowance of a specified increase in traffic, including truck traffic, will not undermine the public safety and welfare based on such factors as the size of the parcel, the proximity of nearby residences, and road and dust conditions, nor unreasonably interfere with the use and enjoyment of nearby properties and/or undermine the intended character of the area. Nothing in this subsection shall be interpreted to allow outdoor parking in excess of that regulated by subsection below.**

The application did not supply photos of the types of vehicles or equipment that will be stored within the accessory structure. The Planning Commission should confirm the types of vehicles are consistent within a residential district. The applicant is likely compliant with traffic volume and parking standards, but the planning commission may request a detailed description of traffic generation and necessary parking.

- P. In no case shall more than eight (8) motor vehicles be temporarily or permanently parked or located outdoors, including vehicles owned or used by residents of the dwelling and employees of the business. The Township Board may decrease the above standard in the case where the Township Board determines that, without such reduction in the standard, the operation of the home-based business will unreasonably interfere with the use and enjoyment of nearby properties and/or undermine the intended character of the area. The Township Board may require screening of parking areas to minimize negative impacts on neighboring properties.**

The application states “The maximum motor vehicles parked outdoors including residential and business-related vehicles is one to three. No outdoor vehicle storage yard is proposed.”

Section 16.05 Basis for Determination

Must consider the following criteria when determining a special land use.

- 1. Be harmonious with and in accordance with the general principles and objectives of the Comprehensive Plan of the Township.**

Although the Township Master Plan does not address Home Occupations in detail, on page 57 of the Master Plan an objective describes the need to, “*Discourage home occupations that require outdoor storage of heavy equipment or materials.*” The



objective directly ties to several respondents' concerns about home businesses and heavy equipment on secondary roads from the Master Plan Community Survey. The application states several times all equipment will be fully enclosed.

The application appears to meet the intent of the Master Plan by allowing flexibility for the homeowner, while ensuring the business does not cause a nuisance to adjacent property owners.

- 2. Be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed.**

The home occupation appears to be low impact with regards to traffic, noise and lighting. There is no vehicle maintenance or repair proposed or outdoor storage. The applicant should ensure the side setback on the south boundary is met. The Planning Commission can require additional screening to ensure the home occupation is compatible with surrounding land uses.

- 3. Not be hazardous or disturbing to existing or future uses in the same general vicinity and will substantially improve property in the immediate vicinity and in the community as a whole.**

The home occupation does not appear to be hazardous or disturbing to surrounding land uses.

- 4. Be served adequately by essential public facilities and services, such as highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities and schools.**

The subject site is served by private well and septic. The proposed home occupation would be adequately served by public facilities and essential services.

- 5. Not involve uses, activities, processes, materials and equipment or conditions of operation that will be detrimental to any person, property or general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.**

The application states several times no hazardous materials will be on-site and will not create a nuisance with regards to odors, noise, vibrations or lighting. The Planning Commission could ask for more detailed information on what types of vehicles or equipment are being stored in the accessory building.

- 6. Meet the intent and purpose of the zoning regulations; be related to the standards established in the Ordinance for the land use or activity under consideration; and will be in compliance with these standards.**

The intent for Home Occupations in the Zoning Ordinance is to allow for flexibility while ensuring the use is secondary to the principal residential use and not impacting the general character of the zoning district. The D2 Contracting proposal meets the purpose of these zoning regulations.



- 7. Ensure that landscaping shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, and by topographic modifications, which result in maximum harmony with adjacent areas.**

No changes to landscaping are being proposed. The Planning Commission may ask for more detailed information about landscaping.

- 8. Ensure that special attention shall be given to proper site surface drainage so that removal of storm waters will not adversely affect neighboring properties.**

No modifications to grading are being proposed. However, topography was not included on the plot plan. The Planning Commission may request detailed information about existing drainage conditions or historical issues with storm water management.

Planning Commission Recommendation

There are several items the Planning Commission should consider requesting prior to making a recommendation to the Township Board.

1. Information regarding the accessory building on the south boundary meeting setbacks or necessity for screening.
2. Confirm what types of vehicles are being stored.
3. Ensure what appears to be outdoor storage from the aerial map is enclosed in the accessory building.
4. Any other documentation requested from the Township Planning Commission.
5. Approval of all governing agencies including but not limited to Fire Authority, Livingston County Road Commission, Livingston County Drain Commission.

A Planning Commission recommendation to the Township Board should be based on the findings from Section 16.05 and compliance with Section 17.32. The Planning Commission may make a recommendation to the Township Board to approve, approve with conditions or deny the Special Use Permit. If additional information is required, the Planning Commission may postpone action and allow the applicant more time to provide requested information.

MARION TOWNSHIP
SPECIAL USE PERMIT

Application No:	SUP #1-26
Date:	4/8/26

Name of Applicant: Dylan Mercier
Address of Applicant: 2320 Pingree Rd, Howell, MI 48843
Phone Number: 810 844 6254
Parcel ID Number: 4710-18-100-002

dylan@d2-contracting.com

The above applicant is: ☒ Owner ☐ Purchaser ☐ Representative

(Purchaser or representative will need a letter of permission from owner)

Please include the following with your request. These items are needed to determine administrative completeness:

- The current zoning of the property involved. - *Rural Resi Zoning*
- Ten (10) copies of the required site plan (per Section 18.03 of the Marion Township Zoning Ordinance.)
- Supporting documentation with regard to all provisions of the Marion Township Zoning Ordinance pertaining to a Special Use Request.

The undersigned agrees to comply with all of the ordinance requirements for Marion Township. Further, the undersigned acknowledges being responsible for all costs incurred by the township in relation to this request. Such costs include, but are not limited to, engineering reviews, legal fees, newspaper notices, postage, etc. The applicant understands final approval is subject to complete payment of all incurred fees and any outstanding escrow balances.

Dylan Mercier
Applicant's Name (print)

Dylan Mercier
Applicant's Signature

Office Use Only	
Date Received: <u>4/20/26</u>	Fee Paid: _____
Materials Received: _____	Site Plans: _____
Application accepted by: _____	

*\$500 permit fee
\$2500 escrow*

Supporting Documentation for Special Use Permit

D2 Contracting is requesting a Special Use Permit for the property located at 2320 Pingree Rd, Howell, MI (Parcel ID: 4710-18-100-002).

The property will be used as a contractor shop for the storage of company trucks, tools, and smaller heavy equipment. The site will include parking for company vehicles and storage of equipment associated with D2 Contracting operations.

Operations will occur during normal business hours, typically 7:00 AM to 5:00 PM. Traffic will be limited to employees and company vehicles. No excessive noise, lighting, or environmental impacts are anticipated beyond normal contractor operations.

The property will be maintained in a clean and orderly condition, and all activities will comply with Marion Township zoning requirements.

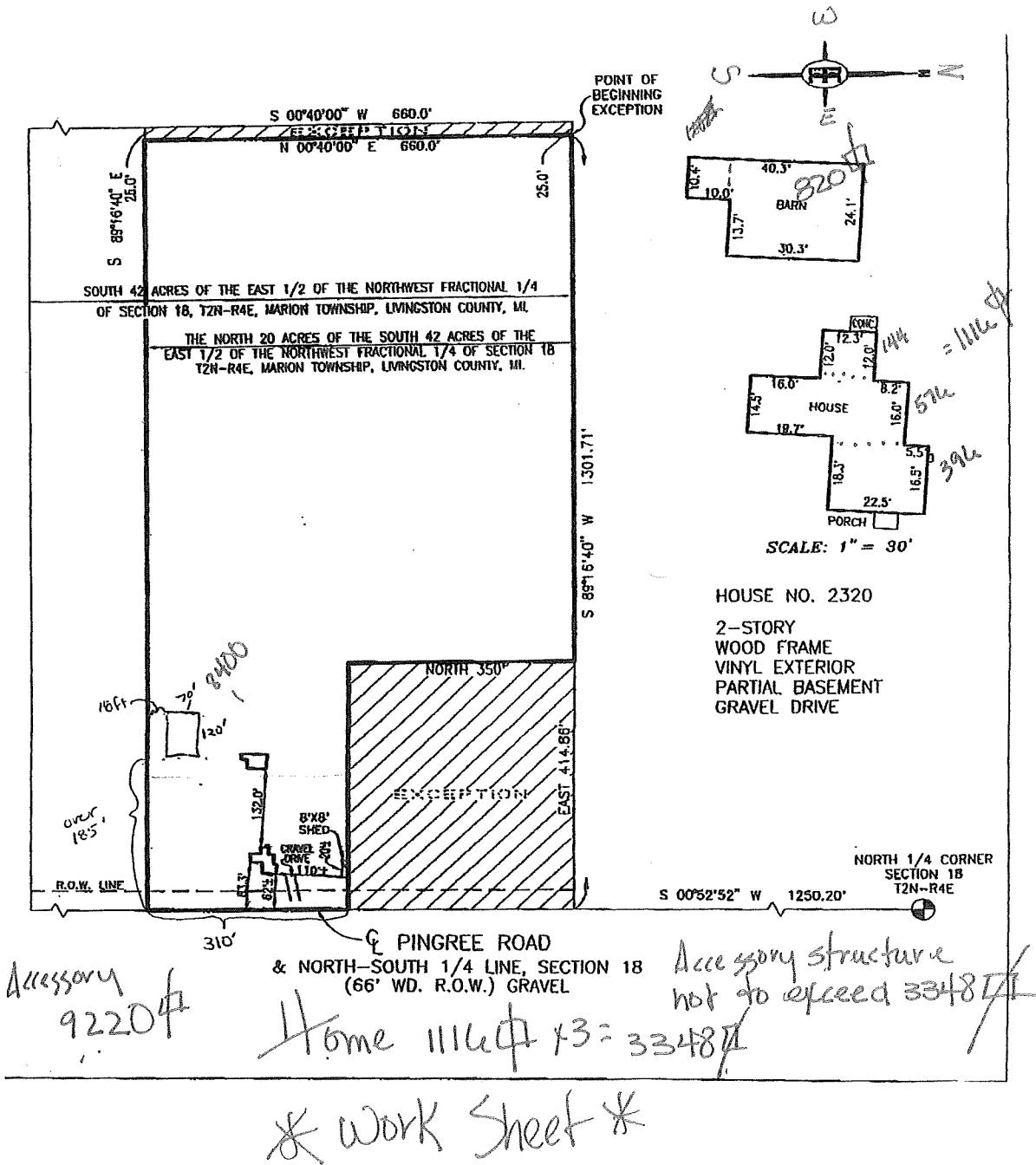
Signature: Dylan Motie

Date: 4/7/26

Signature: [Signature]

Date: 4/7/26

MORTGAGE REPORT



Section 17.32 Home-based Business

Home Occupation regulations are provided in Section 6.14. Home-based businesses are considered special uses and are therefore subject to the provisions of Article XVII, Special Use Permits, and other applicable provisions of the ordinance. A Special Use Permit, and any conditions attached thereto, may be approved by the Township Board if all the criteria listed are met.

A home-based business is an occupation, business, commercial activity, company or profession carried on by family members residing on the premises that is clearly incidental and secondary to the principal single-family residential use and has one or more of the following characteristics and is not a farm operation as defined herein:

1. The business has one or more employees who do not reside on the premises, but who work on the premises or travel to the premises to pick up business vehicles or equipment for use off the premises.
2. The business has outside storage of materials or equipment solely related to the business within a designated and screened area; and/or
3. Has vehicles related solely to the home or business.

QUESTIONS/DESCRIPTION	OWNER RESPONSE
LOCATIONAL REQUIREMENTS	
Home-based businesses are permitted by Special Use Permit in the Rural Residential and Suburban Residential Districts.	The subject property at 2320 Pingree Road is an approximately 16.67-acre residential parcel occupied by the applicant as the applicant's residence. The proposed home-based business use is requested pursuant to the Special Use Permit provisions applicable to home-based businesses.
SITE REQUIREMENTS	
A. A home-based business may be permitted in both the dwelling unit and accessory structure. The home-based business shall not occupy more than twenty-five (25%) percent of the total gross floor area of said dwelling including the basement; however, it may encompass the entire accessory structure. Accessory structures used for business purposes shall conform to Section 6.07 Accessory Buildings and Structures.	No portion of the dwelling is proposed for equipment or material storage. Limited administrative functions may be performed by the resident owner within the dwelling. Indoor storage of business equipment and materials will occur within the existing accessory building. No new accessory structure is proposed as part of this request.

B. The residential appearance of the dwelling shall not be altered in order to conduct the home-based business.	The residential appearance of the dwelling will not be altered. No exterior alteration to the dwelling is proposed for the business.
C. The home-based business shall be clearly secondary and incidental to the use of the dwelling as a place of residence, and shall not result in a change to the essential character of the premises including both the dwelling and yard areas.	The business use will remain secondary and incidental to the property's principal use as a single-family residence. Business activity at the property will be limited primarily to administrative functions by the resident owner and indoor storage of equipment and materials. No retail sales, customer service area or regular on-site construction operations are proposed.
D. All of the activities on the property related to equipment and vehicle repair, cleaning, painting and maintenance associated with the home-based business shall be carried on indoors.	No equipment or vehicle repair, cleaning, painting or maintenance is proposed on the property. If any such activity is performed in the future, it will be conducted entirely indoors and only as permitted by the Township.
E. Storage and use of combustible, toxic or hazardous material associated with the home-based business shall be done in a manner in full compliance with all federal, state and other governmental requirements concerning the use, handling, transport, storage and disposal of any such materials.	No bulk fuel storage or storage, processing or disposal of toxic, radioactive, medical or biomedical materials is proposed. Fuel and operating fluids integral to stored equipment will remain within the equipment's factory-installed tanks and systems. No hazardous waste will be generated through on-site maintenance activities because repair and maintenance are not proposed. Any ordinary refuse will be properly contained and disposed of in accordance with applicable federal, state and local requirements.
F. Solid or liquid refuse or waste or hazardous waste generated by the home-based business shall be safely and properly disposed of in a manner in full compliance with all federal, state and other governmental requirements of any such materials.	
G. In no case will radioactive, medical, or biomedical chemicals or materials waste be received, used, processed or stored on the site of the home-based business.	

H. No equipment or process shall be used in such home-based business that creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal human senses off the subject site. In addition, in regard to electrical interference, no equipment or process shall be used that creates visual, audible, or noticeable interference in any radio or television receivers off the site or that causes fluctuation in line voltage off the site.	No equipment or process will be operated in a manner that creates noise, vibration, glare, fumes, odors or electrical interference detectable beyond the property. Equipment will be stored indoors and will not be routinely operated on the property other than as necessary for placement into or removal from storage.
I. The home-based business shall be conducted so it does not constitute a nuisance or annoyance to the residents of adjoining properties due to noise, smoke, odor, electrical disturbance or night lighting, or the creation of unreasonable traffic to the premises.	The business will be operated so it does not create a nuisance or annoyance to adjoining properties. There will be no outdoor business operations, no outdoor repair or maintenance, no customer traffic, and no business lighting directed off-site. Vehicle activity will be limited and associated with the resident owner and occasional access to indoor storage.

J. A resident of the dwelling on the parcel shall be actively and personally engaged in and responsible for all home occupation operations. The number of non-resident employees who can be employed by a home-based business shall be regulated by the size of the parcel containing the business as follows: Minimum Parcel Size vs Maximum Number of Non-Resident Employees Up to 6 acres = 1 employee 6 acres and less than 10 acres = 2 employees 10 acres and less than 12 acres = 3 employees 12 or more acres = 4 employees The Planning Commission may recommend or the Township Board may, in its discretion, allow a greater number of non-resident employees than those shown in the table above, where the operator of the business can provide clear and convincing evidence that doing so will not interfere with the principal single-family residential use of the premises and also the surrounding area, and further, only where the non-resident employees travel to the premises to pick up business vehicles or equipment for use off the premises. In the event the home-based business premises are split or otherwise reduced in acreage, the operator will immediately be limited to the number of non-resident employees allowed on the remaining home-based business premises as shown in the table above, unless the operator seeks a new Special Use Permit on the remaining premises within 90 days of the split or reduction in acreage. In the new Special Use Permit, the Planning Commission may recommend or the Township Board may in its discretion reduce the number of non-resident employees allowed on the remaining premises.	The resident owner will be actively and personally responsible for all operations conducted at the property. W-2 employees do not regularly report to or work from this location. If an employee is occasionally present for an administrative matter or access to stored equipment or materials, no more than one to three non-resident employees will be present at one time.
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K. Outdoor storage of materials and equipment involved in the business is permitted provided it is adequately screened so it is not visible from adjoining roads and properties. Measures to screen such material or equipment are subject to the recommendation of the Planning Commission and approval of the Township Board and shall include, but are not limited to, one or more of the following: a solid fence no more than six feet in height; plantings that are at least five feet in height at planting and will provide an adequate year-round screen; the topography of the site; existing vegetation on the site; or the screening is provided by existing buildings.	No outdoor storage of business equipment or materials is proposed. Business equipment and materials will be stored inside the existing accessory building. Existing buildings, acreage and vegetation further separate the proposed indoor storage area from Pingree Road and adjoining properties.
L. The home-based business shall comply with all applicable federal, state and local laws, including, but not limited to, laws regarding licensing, occupational health and safety, and the environment.	The applicant will comply with all applicable federal, state and local licensing, occupational safety, environmental and zoning requirements.
M. Home-based business approval is not transferable with the sale, rental or lease of the dwelling unit.	The applicant acknowledges that approval of the home-based business is specific to the applicant and property and is not transferable with the sale, rental or lease of the dwelling.
N. Home-based businesses are allowed signage. See Article XV Signage.	No business signage is proposed as part of this application. No future signage is planned.
O. Visitors, customers and deliveries shall not exceed a total of twelve (12) during a single day, 7am — 7pm. The Planning Commission may recommend or the Township Board may modify this standard in the case where the Planning Commission or the Township Board determines that the operation of the home-based business will unreasonably interfere with the use and enjoyment of nearby properties and/or undermine the intended character of the area. No traffic shall be generated by the home-based business in volumes in excess of that which is normally associated with a single-family dwelling, and such traffic shall be limited to passenger vehicles, delivery vans and similarly-sized vehicles. The Township Board may relax this requirement upon a finding that the allowance of a specified increase in traffic, including truck	No customer visits are proposed. W-2 employees do not regularly report to this location. Deliveries, if any, will be infrequent and conducted between 7:00 a.m. and 7:00 p.m. Business-related traffic will be limited to the resident owner and occasional access associated with indoor equipment and material storage, and will not exceed twelve visitors, customers and deliveries in a single day.

P. In no case shall more than eight (8) motor vehicles be temporarily or permanently parked or located outdoors, including vehicles owned or used by residents of the dwelling and employees of the business. The Township Board may decrease the above standard in the case where the Township Board determines that, without such reduction in the standard, the operation of the home-based business will unreasonably interfere with the use and enjoyment of nearby properties and/or undermine the intended character of the area. The Township Board may require screening of parking areas to minimize negative impacts on neighboring properties.	The maximum anticipated number of motor vehicles parked outdoors at one time, including residential and business-related vehicles, is one to three. No outdoor vehicle storage yard is proposed.
PERFORMANCE STANDARDS	

Prior to recommending approval, the Planning Commission shall determine that the proposed home-based business is not incompatible with existing land uses in the area and would not be detrimental to the safety or convenience of vehicular or pedestrian traffic. A. For a home-based business, an informal site plan (does not need to comply with the requirements found in Article XVIII Site Plan Review) or plot plan must be submitted for review and recommendation by the Marion Township Planning Commission. The site plan shall be to scale and need only illustrate the following: 1. Owner's name, parcel identification (tax ID#) and address. 2. An 11 x 17-inch color aerial photograph of the site area and surrounding areas showing overlaying property lines with contour lines and the proposed site layout with dimensions. (available at Livingston County GIS). 3. Existing and proposed structures with dimensions indicating the location(s) and square footages to be occupied by the home-based business, subject property setbacks as well as distances from the proposed home-based business location on-site to adjacent property lines. 4. Location of driveways, off-street parking areas & delivery and storage areas. 5. Proposed landscaping/screening in association with any parking to minimize negative impacts on nearby properties. 6. The location, character, and dimensions of any structural additions or modifications to an existing dwelling or accessory structure to accommodate the home-based business.	A separate 11 x 17-inch color aerial/plot plan will be submitted with the application. It will identify the owner, parcel number and address; property lines and available contours; all existing structures and their dimensions; the accessory-building area used for indoor business storage; setbacks and distances to property lines; the driveway; parking; delivery/access areas; and existing vegetation and buildings providing separation from neighboring properties. No structural additions or exterior modifications are proposed.
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In addition to the information required in this section and the site plan described above, the applicant shall submit a detailed description of the nature of the home-based business, which shall clearly specify the following minimum features: 1. A detailed description of the character of the home-based business including but not limited to the service or product offered and the typical daily schedule of activities of such business. 2. The type and frequency of vehicular traffic to be generated by the home-based business. The maximum number of vehicles to be parked or otherwise located outdoors including vehicles owned or used by residents of the dwelling and employees of the home-based business. 3. The number of full-time and part-time employees of the business and the frequency at which such employees will be present at the site.	D2 Contracting is a heavy-civil sitework and underground-utility contractor. Construction operations are performed at off-site project locations. The proposed home-based use at 2320 Pingree Road is limited to administrative activity by the resident owner and indoor storage of equipment and materials within an existing accessory building. No retail sales, customer service, manufacturing, outdoor construction activity, outdoor storage, or regular employee reporting is proposed. Typical activity will consist of the resident owner performing administrative work and occasionally placing equipment or materials into, or removing them from, indoor storage. W-2 employees do not regularly report to or work from this property. If an employee is occasionally present for an administrative matter or access to stored items, no more than one to three non-resident employees will be present at one time. No customer traffic is anticipated. Deliveries will be infrequent and limited to daytime hours. The anticipated maximum number of vehicles parked outdoors at one time, including residential and business-related vehicles, is one to three.
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C. The Planning Commission may require additional information if it determines the character of the project, site or surrounding conditions necessitates further investigation, allowing it to make a sound decision on the application. D. Any approval of a home-based business, and any permit issued for such occupation, shall clearly delineate any conditions upon which such approval is granted including any conditions pertaining to the number of employees, outdoor parking of vehicles, and related operational features.	The applicant understands that the Planning Commission may request additional information and that any approval may include conditions governing employees, parking, traffic, storage and other operational features. The applicant agrees to operate the home-based business in accordance with the approved application, site plan and all conditions imposed by Marion Township.
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Livingston County Department of Planning

MEMORANDUM

TO: Marion Township Planning Commission

FROM: Martha Haglund, AICP, Principal Planner

DATE: August 17, 2026

SUBJECT: Special Land Use Permit- Section 17.33 Agricultural-Based Tourism/ Entertainment Activities (Agri-Business): Legacy Acres

LOCATION: 775 Sexton Howell, 48843 (4710-14-300-009)

The applicant is seeking a Special Use Permit for Agri-Business. The property is located on 9.79 acres on the south side of Sexton Rd. west of Wolf Rd approximately a half mile west of D-19. The application describes the subject area as a previous horse farm with many of the same buildings and structures that currently exist. The Agri-Business is described as a sustainable livestock and agricultural education center hosting a variety of livestock such as alpacas, goats, rabbits and chickens. No additional structures or changes to the site plans are being proposed.

Agri-business is permitted special use in the Rural Residential and Suburban Residential Districts.

Planning Staff has reviewed the application for compliance with 17.33 Special Use Agricultural-Based Tourism/Entertainment and a summary to Section 16.04 Basis for Determination of Special Land Use Approval is provided for the Township Planning Commission's consideration.

Area Description

	Zoning	Master Plan	Land Use
Subject Site	Rural Res.	Low Density Res.	Large Lot Res.
North	Rural Res.	Low Density Res.	Large Lot Res.
East	Rural Res.	Low Density Res.	Vacant
South	Rural Res.	Low Density Res.	Large Lot Res.
West	Rural Res.	Low Density Res.	Agriculture

Scott Barb
AICP, PEM
Planning Director

Robert A. Stanford
AICP, PEM
Principal Planner

Martha Haglund
AICP
Principal Planner

Abby Carrigan
Planning Intern

Department Information

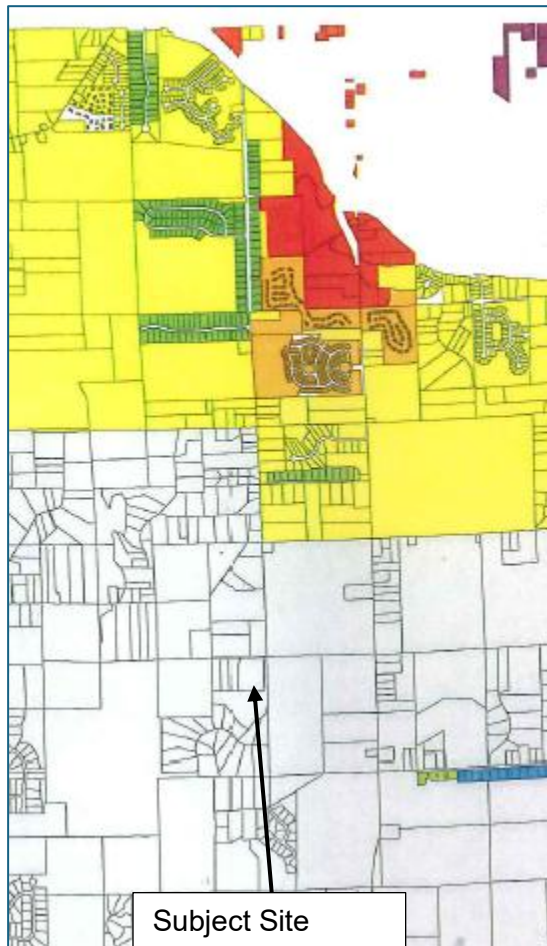
Administration Building
304 E. Grand River Ave.
Suite 206

(517) 546-7555
Fax (517) 552-2347

Web Site
Milivcounty.com/planning



Zoning Map



Aerial Map



Special Land Use: 17.33 Agricultural-Based Tourism/ Entertainment Activities (Agri-Business):

- A. Location Requirements: Agricultural-Based Tourism/Entertainment activities are permitted by Special Use Permit in the Rural Residential and Suburban Residential District.**
Location is Compliant.
- B. Site Requirements**
- 1. Agricultural-Based Tourism/Entertainment activities shall be operated on the same premises as the principal agricultural use by the property owner or farm operator and shall be clearly incidental to the principal permitted agricultural use on the property. The allowance and use of such structures and land shall not alter the zoning of land in the Rural Residential zoning district, and such use shall not be deemed a commercial activity for zoning purposes.**
The application acknowledges this and states, "Our vision is not to change the agricultural a nature of Legacy Acres, but to preserve it by creating opportunities



for the public to learn where food comes from, interact with farm animals and develop a greater appreciation for Michigan agriculture.”

2. **The applicant shall show the relationship of the agri-business use to the primary agricultural use on the site. The final decision as to the use being agri-based shall be made by the Board of Trustees, unless protected by the Michigan Right to Farm Act, PA 93 of 1981(as amended).**

The site plan does not distinguish between what agribusiness portion is and what is primary agricultural use. Essentially, what portion of the structures will be used to conduct business and accessed by visitors? The applicant should provide this information.

3. **Floor Area. The total floor area above finished grade (one or two stories) of any agri-business facility falling into this category, including retail space, shall be no larger than 10,000 square feet. The facility may consist of more than one building. Underground space is not limited to, and may be in addition to, the 10,000 square feet of floor area provided that it is below pre-existing ground level and has no more than one loading dock exposed.**

The site plan does not include dimensions of the structures. Measuring the Barn facilities from the aerial photo the barn structures appear to total approximately 6500-8000 sq. ft. The application is likely compliant with meeting the 10,000 sq ft threshold. However, the applicant should submit a site plan with dimensions and identify the spaces accessed by agri-business visitors, so the Planning Commission has a clear understanding of the amount of business space in relation to the whole site. Additionally, the pool and pool house located along Wolf Ridge Rd. should be identified as private or part of business as is applicable.

4. **Pre-Existing Buildings. Building(s) built prior to this amendment may be used for an agri-business provided that the area dedicated to the agribusiness is limited to 10,000 square feet. The Zoning Board of Appeals may consider variances from setbacks for such a pre-existing building if it shall first be determined that such extension shall not be harmful to public health, safety, or welfare, particularly with regard to surrounding property interests.**

The site plan does not identify setbacks on the map. Although it appears the barn structures would be compliant with district setbacks, the applicant should submit a map with setbacks from structures.

5. **Size Requirements. The Planning Commission shall have the discretion to alter the size requirements if deemed necessary due to the requirements of the particular use, site considerations, or the potential impacts on adjacent properties.**

No new structures are proposed. If the applicant desires future alterations the site plan will need to be amended and reviewed by the Planning Commission.



6. The agri-business facility shall be designed to co-exist with the surrounding rural and agricultural land uses. The design of the facility shall achieve the following objectives:

- a. **The facility and the site shall be designed in a manner that maintains the rural and agricultural character of the original property.**

Many of the original buildings are original and would maintain the rural character of the original property.

- b. **There shall be no adverse impacts on adjacent properties.**

The application states that programs are reservation only and would range from 2-100 visitors. The Planning Commission may consider how traffic and parking could impact adjacent properties.

7. Exception. These limitations on facility size shall not apply to structures engaged solely in the agricultural use of the site and not involved in the business aspects of the use.

To ensure compliance it will be important for the applicant to identify which structures are private, primary agriculture, or agribusiness on a site map.

8. Public Events / Private Events. An applicant who desires to host these events shall indicate as such in their application. They shall indicate the types of events, the frequency and number per year, the number of persons expected, the hours and other information as required by the Planning Commission for the understanding of the request.

The application describes events as educational programming that are reservation only with up to 100 visitors. The hours of operation are from 9:00 AM-9:00 PM from March-December. The application does not indicate the anticipated frequency of programming.

9. Approval. The Township Board shall approve a facility's ability to host events when the applicant has demonstrated the largest event desired by the facility can be handled without significant adverse impacts to adjacent neighbors or township facilities and services or otherwise creating a detriment to public health, safety, or welfare.

The applicant should be ready to provide necessary documentation about how any adverse impacts to adjacent neighbors will be mitigated during programming events.

C. Performance Standards

- 1. The site plan for the use shall demonstrate how the facility will provide for circulation, parking, sanitation, trash collection, and noise, potential traffic impacts created by the proposed use and other factors during the events.**

The applicant needs to provide this documentation.



2. Setback requirements. All structures related to the agri-business shall meet the setback requirements for the zoning district in which it is located.

The site plan does not identify setbacks on the map. Although it appears the barn structures would be compliant with district setbacks, the applicant should submit a map with setbacks from structures to be used in proposed agri-business.

3. The Planning Commission shall have the ability to alter some of the standards herein or to require higher standards as necessary to protect the rural character of the community.

The Planning Commission may consider higher standards to mitigate impact to adjacent properties.

4. Parking. Parking shall comply with the requirements of Article 14 - Off-street Parking and Loading. Provisions shall be made to allow cars to turn off the road right-of-way and park outside of the right-of-way. Parking lots in the Rural Residential districts are not required to be paved.

Overflow parking is indicated to the west of the barn facilities. The open field likely has sufficient parking spaces to accommodate programming and does not required to be paved. The application does not indicate if there will be additional, non-resident staff for programing or need for employee parking.

5. Signs. Signage shall comply with the requirements of Article 15.5 B – Farm Signs.

The application does not indicate installation of signage. The applicant should state if signs are proposed or not. If there are to be signs the applicant must submit documentation and be compliant with Article 15.5 B.

6. The duration of use (i.e., seasonal, annual, weekends, every day etc.)

The application describes events as educational programming that are reservation only with up to 100 visitors. The hours of operation are from 9:00 AM-9:00 PM from March-December.

7. Hours of operation.

The hours of operation are from 9:00 AM-9:00 PM.

8. The special land use approval may specify a maximum number of events per year, number of persons per event, and hours for events.

The applicant could provide maximum thresholds for the items listed above or the Planning Commission can consider limiting the maximum number of events per year, number of persons per event or regulate hours of operation for events.

9. Relationship of agri-business use and proposed development to the overall size of the parcel.



Applicant should submit site plan designating agri-business location in relation to the overall size of parcel.

10. Other potential impacts on the township or adjacent properties including but not limited to lighting, noise, dust, and drainage.

The application states. *"Any existing or future exterior lighting will be directed away from adjacent property and roadways to minimize glare and preserve rural nighttime environment."* The side plan did not include any topographic contour lines but states, *"The proposal does not substantially alter existing site drainage. Existing grading and drainage patterns will remain in place, so adjacent properties are not adversely affected. addresses lighting and drainage."*

The Planning Commission may request more information regarding noise mitigation.

11. New Permit. In order to exceed the number of events approved by the Township Board or to host an event of increased intensity, the special use permit must be amended. Otherwise, a new permit is not required for each event.

The applicant should acknowledge this.

12. All submittals may be reviewed by, including but not limited to, township's attorney, planner, engineer, state agencies, Howell Area Fire Authority, Livingston County Sheriff Department, Livingston County Building Department, Livingston County Drain Commissioner, Livingston County Department of Environmental Health, Livingston County Road Commission before a final site plan may be recommended for approval, approval with conditions, or denial by the Planning Commission. Final approval, approval with conditions and or denial will be made by the Board of Trustees.

The application should be conditional on approval from all governing agencies.

D. Buffering Requirements

1. Buffering requirements per Section 6.13 if necessary.

There are no additional structures or landscaping being proposed. If the site meets all setbacks additional buffering is not required. The Planning Commission may request more detailed information about buffering or screening.

Section 16.05 Basis for Determination

Must consider the following criteria when determining a special land use.

1. Be harmonious with and in accordance with the general principles and objectives of the Comprehensive Plan of the Township.

Throughout the Township Master Plan, it highlights the importance of agriculture preservation including on Page 61 Goal 19, *"Keep farming a viable and visible part of Marion Township's future land use plan. Open Space green way and farmland*



preservation should be of the highest priority." The agricultural use is in accordance with the principals and objectives of the Township Master Plan.

2. **Be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed.**

The proposed agribusiness will be harmonious and appropriate with the existing rural residential and adjacent agricultural uses. There are some outstanding items from Section 17.33 that can help ensure the agribusiness will be operated and maintained to be compatible with the surrounding area.

3. **Not be hazardous or disturbing to existing or future uses in the same general vicinity and will substantially improve property in the immediate vicinity and in the community as a whole.**

Agricultural programming will not be hazardous or disturbing to existing or future uses in the same general vicinity.

4. **Be served adequately by essential public facilities and services, such as highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities and schools.**

The site is served by private well and septic and will be adequately served by essential public facilities.

5. **Not involve uses, activities, processes, materials and equipment or conditions of operation that will be detrimental to any person, property or general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.**

It does not appear the agribusiness proposal will produce conditions that will be detrimental to any person, property or general welfare. The Planning Commission may request additional information regarding traffic, parking or frequency of events.

6. **Meet the intent and purpose of the zoning regulations; be related to the standards established in the Ordinance for the land use or activity under consideration; and will be in compliance with these standards.**

The applicant must meet the outstanding items of Section 17.33, but overall, the use itself aligns with the intent of the Township Zoning Regulations.

7. **Ensure that landscaping shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, and by topographic modifications, which result in maximum harmony with adjacent areas.**

No changes are proposed and the applications states, *"The existing barns, pastures, fencing and open spaces continue to serve agricultural purposes while preserving the property's farming heritage."* The existing agricultural structures and landscape will be compatible with adjacent properties.

8. **Ensure that special attention shall be given to proper site surface drainage so that removal of storm waters will not adversely affect neighboring properties.**

The application notes, *"Existing grading and drainage patterns will remain in place, so adjacent properties were not adversely affected."* The Planning Commission may



request additional information about the existing conditions and request a topographic map of the site.

Planning Commission Recommendation

There are several items the Planning Commission should request from the applicant prior to making a recommendation to the Township Board of Trustees.

1. Provide a site plan that demonstrates how the facility will provide for circulation, parking, sanitation, trash collection, and noise, potential traffic impacts created by the proposed use and other factors during the events.
2. Provide a site plan with setbacks and building dimensions.
3. Provide a site plan that represents what portion of the structures will be used for agribusiness in relation to the whole site.
4. Provide documentation that the total floor area above finished grade (one or two stories) of any agri-business facility falling into this category, including retail space, is no larger than 10,000 square feet.
5. Provide a site plan or description of what structures or areas are private, primary agriculture or agribusiness.
6. Provide more detailed information about frequency of programming and type of events.
7. If applicable, provide more information about proposed signage and demonstrate compliance with 15.5 (B) Farm Signs.
8. Any other documentation requested from the Township Planning Commission.
9. Approval of all governing agencies including but not limited to Howell Area Fire Authority, Livingston County Road Commission, Livingston County Drain Commission.

A Planning Commission recommendation to the Township Board should be based on the findings from Section 16.05 and compliance with Section 17.33. The Planning Commission may make a recommendation to the Township Board to approve, approve with conditions or deny the Special Use Permit. If additional information is required, the Planning Commission may postpone action and allow the applicant more time to provide requested information.

MARION TOWNSHIP
SPECIAL USE PERMIT

Application No:	02-26
Date:	8/12/26

Name of Applicant: Troy and Britney Hoskins
Address of Applicant: 775 Sexton Road Howell, MI 48843
Phone Number: 248-835-0963
Parcel ID Number: 10-14-300-009

The above applicant is: ☒ Owner ☐ Purchaser ☐ Representative

(Purchaser or representative will need a letter of permission from owner)

Please include the following with your request. These items are needed to determine administrative completeness:

- The current zoning of the property involved.
- Ten (10) copies of the required site plan *(per Section 18.03 of the Marion Township Zoning Ordinance.)*
- Supporting documentation with regard to all provisions of the Marion Township Zoning Ordinance pertaining to a Special Use Request.

The undersigned agrees to comply with all of the ordinance requirements for Marion Township. Further, the undersigned acknowledges being responsible for all costs incurred by the township in relation to this request. Such costs include, but are not limited to, engineering reviews, legal fees, newspaper notices, postage, etc. The applicant understands final approval is subject to complete payment of all incurred fees and any outstanding escrow balances.

Britney Hoskins
Applicant's Name (print)

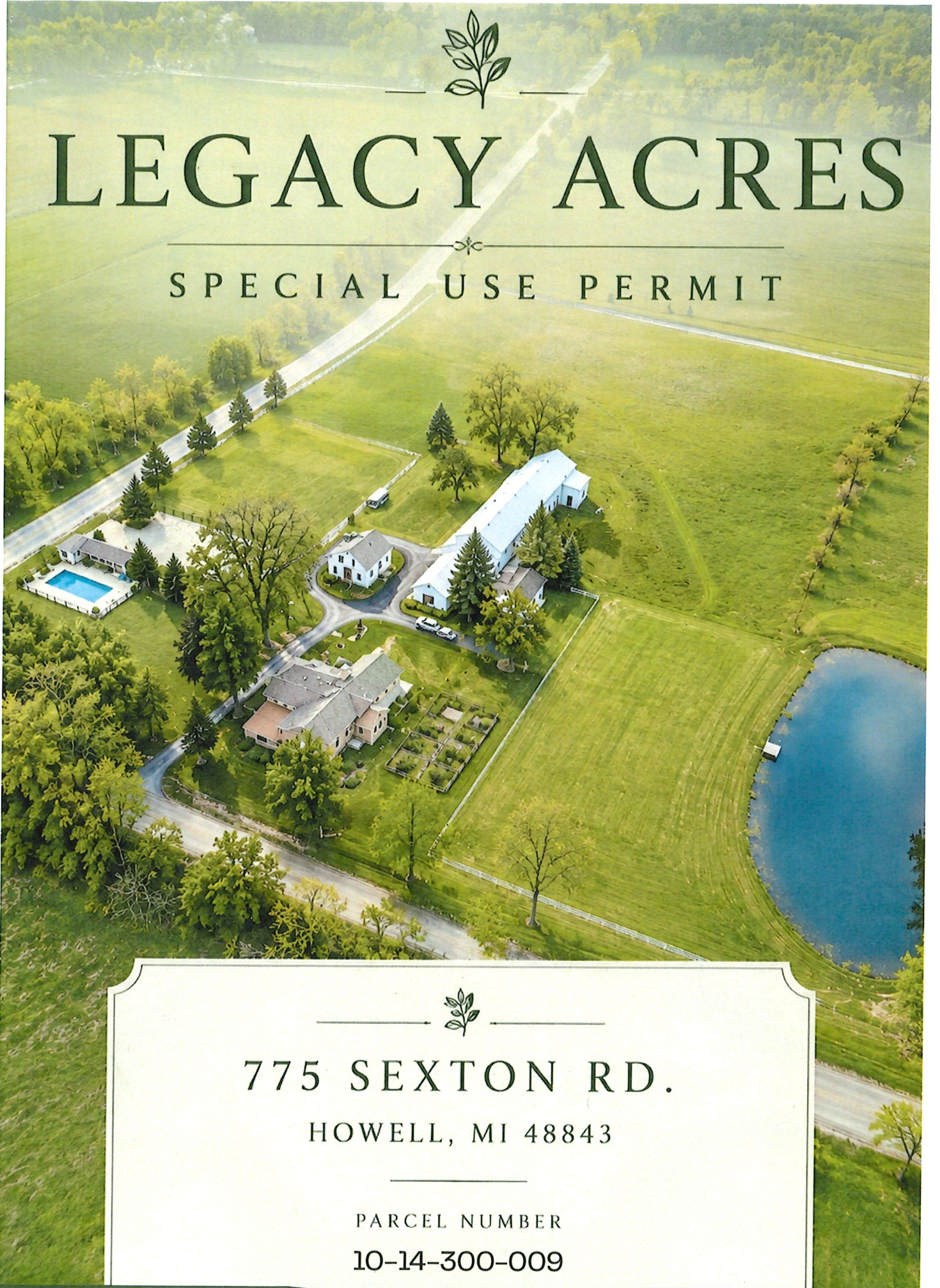

Applicant's Signature

Office Use Only	
Date Received: <u>8/12/26</u>	Fee Paid: <u>\$500</u>
Materials Received: _____	Site Plans: _____
Application accepted by: <u>Scott Richardson</u>	



LEGACY ACRES

SPECIAL USE PERMIT



775 SEXTON RD.

HOWELL, MI 48843

PARCEL NUMBER

10-14-300-009



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Legacy Acres

SPECIAL USE PERMIT APPLICATION

775 Sexton Rd. • Howell, Michigan 48843

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An overview of Legacy Acres, our vision, and commitment to agriculture, education, and community.

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AGRITOURISM OPERATIONS PLAN 2

Operational details including hours, reservations, group sizes, educational programming, and visitor experience.

3

SPECIAL USE PERMIT COMPLIANCE MATRIX 3

Compliance with Section 16.05(A) standards demonstrating how the proposed use meets all applicable requirements.

4

EXISTING CONDITIONS SITE PLAN 4

Current site layout of Legacy Acres including existing structures, pastures, access, and amenities.

5

EXISTING AGRICULTURAL OPERATION 5

Overview of current agricultural activities with supporting photographs of our working farm.

APPENDIX

A

MARION TOWNSHIP SPECIAL USE PERMIT APPLICATION A-1

B

SUPPORTING PROPERTY PHOTOGRAPHS B-1





PROJECT SUMMARY

LEGACY ACRES AGRITOURISM
SPECIAL USE PERMIT



Legacy Acres is a **second-generation family farm** located on approximately 10 acres in Marion Township at 775 Sexton Road, Howell, Michigan. Originally established as a horse farm and passed down through multiple generations, the property has retained many of its original agricultural structures and rural character. The existing barns, pastures, fencing, and open spaces continue to serve agricultural purposes while preserving the property's farming **heritage**.

Today, Legacy Acres has evolved into a **diversified working farm** that combines traditional agriculture with modern livestock management and agricultural education. The farm is home to alpacas, chickens, goats, rabbits, and a growing collection of livestock. Alpaca fiber is processed into yarn by local artisans, while the farm's poultry provides fresh eggs and meat for both our family and members of the local community. Each addition to the farm has been made with the goal of creating a **sustainable agricultural operation** while preserving the rural character of the property.

As one of **Michigan's few Black-owned farms**, Legacy Acres has become a destination for families, community organizations, and educational groups seeking opportunities to experience agriculture firsthand. We have been fortunate to participate in conversations with local schools, youth organizations, and educational programs interested in providing students with hands-on experiences that introduce them to farming, animal husbandry, food production, and rural life.

Through this application, we respectfully request approval of a **Special Use Permit for Agritourism** as provided within the Marion Township Zoning Ordinance. Approval of this request will allow Legacy Acres to expand educational farm tours, agricultural demonstrations, youth learning experiences, and other agritourism activities that are directly connected to and supportive of the property's existing agricultural operation.

Our vision is not to change the agricultural nature of Legacy Acres, but to **preserve it by creating opportunities for the public to learn** where food comes from, interact with farm animals, and develop a greater appreciation for Michigan agriculture. We believe these experiences strengthen the connection between rural communities and the public while helping ensure that working farms remain sustainable for future generations.



775 SEXTON RD.
HOWELL, MI 48843

LEGACY
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PARCEL NUMBER
10-14-300-009

ARTICLE XVII – AGRITOURISM OPERATIONS PLAN

PRESERVING AGRICULTURE THROUGH EDUCATION, EXPERIENCE & STEWARDSHIP



Agriculture is more than food production—it is history, culture, conservation, and community. Legacy Acres exists to preserve that connection by providing experiences that educate, inspire, and encourage appreciation for Michigan agriculture among visitors of all ages and backgrounds.

Legacy Acres is not a typical farm, and that is one of its greatest strengths. While honoring the traditions of agriculture, the property has been intentionally developed to create memorable experiences that naturally draw a diverse audience. Those experiences become a gateway to agriculture, allowing visitors to discover animal husbandry, conservation, environmental stewardship, and the importance of preserving working farms for future generations.

As one of Michigan's few Black-owned farms, Legacy Acres also offers a perspective that is rarely represented in agriculture. Our goal is not simply to invite people onto a farm—it is to create meaningful connections that inspire a lifelong appreciation for the land, the people who steward it, and the role agriculture plays in our communities.

AGRITOURISM OPERATIONS

Legacy Acres operates as a working agricultural farm that offers educational experiences by advance reservation. Programming is designed to provide visitors with meaningful opportunities to engage with agriculture while ensuring the ongoing operation of the farm remains the property's primary use.



OPERATING SEASON

Agritourism experiences are available **year-round**, with the majority of educational programming occurring between March and December to coincide with Michigan's growing season, livestock activities, and seasonal agricultural experiences.



HOURS OF OPERATION

9:00 a.m. – 9:00 p.m.

Hours may vary based on seasonal programming and scheduled educational events.



RESERVATIONS

All agritourism experiences are offered **by reservation only.**

Advance scheduling allows Legacy Acres to appropriately prepare staff, animals, educational materials, and visitor accommodations while maintaining a safe and enjoyable experience for all guests.



GROUP SIZE

Educational visits may accommodate **2 to 100** participants, depending on the type of program and the areas of the farm being utilized.



TYPES OF GROUPS WELCOMED

- Families
- Schools
- Homeschool groups
- Scout organizations
- Youth organizations
- Community groups
- Nonprofit organizations
- Corporate and professional organizations
- Agricultural and conservation groups

OPERATIONAL SNAPSHOT



SEASON

Year-round
Emphasis: March – December



HOURS

9:00 a.m. – 9:00 p.m.



RESERVATIONS

By reservation only



GROUP SIZE

2 to 100 participants



LOCATION

On-site at Legacy Acres



PARKING

On-site parking available



RESTROOMS

Multiple existing restroom facilities



SUPERVISION

All visits are supervised by staff or owner



ACCESS

Emergency access maintained at all times

WHAT VISITORS EXPERIENCE

Educational experiences are hands-on, age-appropriate, and led by knowledgeable staff. Topics may include:



Alpaca husbandry



Livestock management



Fiber production



Gardening & crops



Poultry care



Composting



Egg production



Pollinator education



Rabbit care



Wildlife stewardship



Goat husbandry



Sustainable farming

All activities prioritize animal welfare, safety, and environmental stewardship.

OPERATING PRINCIPLES



RESERVATION REQUIRED

All experiences are offered by advance reservation only.



SUPERVISED EDUCATIONAL EXPERIENCES

All guests are supervised. Animal interactions occur under staff supervision.



EXISTING FARM INFRASTRUCTURE UTILIZED

Current facilities and infrastructure are used to support visits.



AGRICULTURE REMAINS THE PRIMARY USE OF THE PROPERTY

Agritourism activities support and strengthen the working farm.



EDUCATIONAL PROGRAMMING DESIGNED TO PROMOTE AGRICULTURE, CONSERVATION, AND STEWARDSHIP

Our mission is to inspire a lasting connection to agriculture and responsible care of the land.



SECTION 3

ORDINANCE COMPLIANCE MATRIX

SECTION 16.05(A) – GENERAL STANDARDS FOR SPECIAL USE PERMITS



Pursuant to Section 16.05(A) of the Marion Township Zoning Ordinance, the following table addresses how the proposed agritourism use at Legacy Acres meets each of the General Standards for Special Use Permits.

GENERAL STANDARD		LEGACY ACRES RESPONSE
	1. Comprehensive Plan	The proposed agritourism activities preserve the property's long-standing agricultural use while providing educational opportunities that support farming, rural heritage, and public understanding of agriculture. The proposal is consistent with the rural character and agricultural objectives of Marion Township.
	2. Compatibility with Surrounding Area	Legacy Acres has operated as an agricultural property for generations. The proposed use will utilize existing barns, pastures, trails, and open space while maintaining the property's agricultural appearance and rural character. No significant changes to the site's character are proposed.
	3. Impact on Neighboring Properties	Agritourism activities will occur within an existing working farm and will be managed to minimize impacts on surrounding properties. Educational programming, farm tours, and animal experiences are intended to complement—not disrupt—the surrounding rural community.
	4. Public Facilities & Services	The property is served by existing roadway access, parking, restroom facilities, utilities, and emergency services. Existing infrastructure is sufficient to support the proposed agritourism activities.
	5. Traffic, Noise & General Welfare	Agritourism activities will be conducted in a manner that minimizes traffic, noise, lighting, and other impacts. Activities are agricultural and educational in nature and will be managed to protect neighboring properties and the public welfare.
	6. Compliance with the Ordinance	Legacy Acres is seeking approval through the Special Use Permit process and has submitted a site plan, project summary, and supporting documentation demonstrating compliance with the applicable provisions of Article XVI, Article XVII, and Article XVIII.
	7. Natural Landscaping	Existing trees, pasture, fencing, and natural features will be preserved to the greatest extent practicable. No significant tree removal or grading is proposed.
	8. Stormwater Drainage	The proposal does not substantially alter existing site drainage. Existing grading and drainage patterns will remain in place so adjacent properties are not adversely affected.
	9. Exterior Lighting	Existing and any future exterior lighting will be directed away from adjacent properties and roadways to minimize glare and preserve the rural nighttime environment.
	10. Site Plan Review	A detailed Existing Conditions Site Plan has been prepared and submitted in accordance with Article XVIII as part of this application package.
	11. State & Federal Requirements	Legacy Acres will comply with all applicable local, county, state, and federal regulations governing agricultural operations and approved agritourism activities.



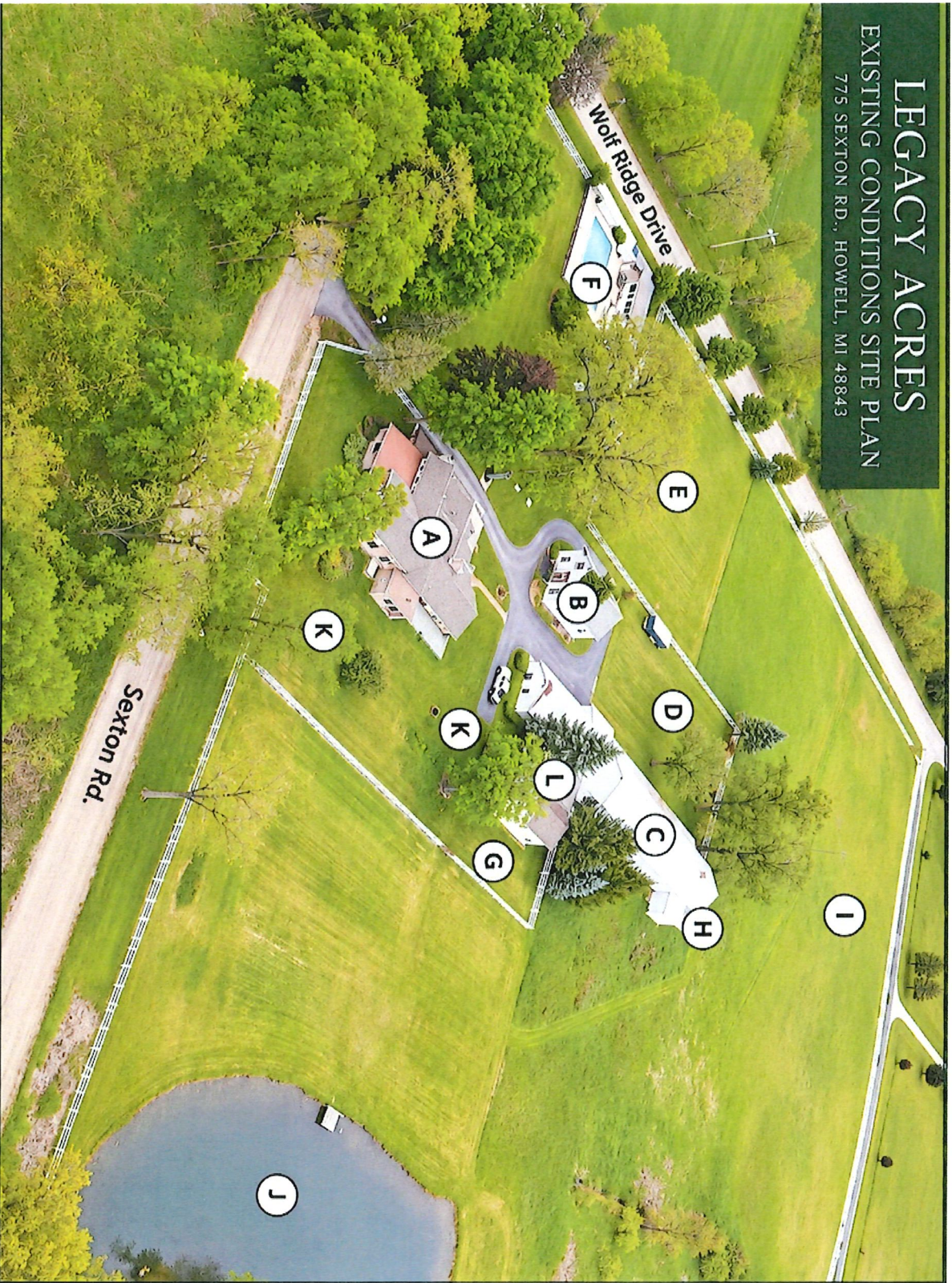
**LEGACY
ACRES**

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LEGACY ACRES

EXISTING CONDITIONS SITE PLAN

775 SEXTON RD., HOWELL, MI 48843



SITE PLAN KEY

- (A) Main House
- (B) Small Livestock Barn (Houses Small Livestock)
- (C) Barn (Multi-Animal Housing)
- (D) Livestock Pasture
- (E) Parking
- (F) Pool
- (G) Alpaca Pasture (Female)
- (H) Woodstock (Existing Wooded Area)
- (I) Trails
- (J) Pond
- (K) Garden Area (Crop Production)
- (L) Existing Trees / Landscaping

LEGEND

- Existing Structures
- Pasture / Open Space
- Pond
- Driveway / Access
- Existing Fencing
- Existing Trees / Wooded Area

NOTES

- This site plan illustrates existing conditions.
- No new structures are proposed.
- Property to be utilized for agritourism, educational programs, and farm tours as an accessory use to the existing agricultural operation.



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EXISTING CONDITIONS SITE PLAN

775 SEXTON RD., HOWELL, MI 48843

DATE: May 20, 2025

SCALE: NTS



EXISTING AGRICULTURAL OPERATION



Legacy Acres is an active agricultural operation that continues the property's long history of farming. Existing agricultural activities include livestock husbandry, poultry production, fiber production, crop cultivation, and the maintenance of agricultural buildings, pastures, and supporting infrastructure. Agritourism activities are intended to complement and strengthen these existing agricultural uses—not replace them.

AGRICULTURAL ACTIVITY		CURRENT OPERATION
	ALPACAS	Fiber production, breeding program, and animal husbandry education. Nine alpacas on site.
	POULTRY	Egg production and meat production with a rotating flock. Brood and hatchery program to sustain and grow the flock.
	GOATS	Livestock management and education with two Nigerian Dwarf goats.
	RABBITS	Small livestock for education and responsible animal care programs.
	GARDENS	Seasonal vegetables, herbs, and crops for food production and hands-on gardening education.
	EXISTING BARNES	Livestock housing, storage, and support for daily farm operations.
	PASTURES	Fenced pasture areas used for rotational grazing and livestock management.
	POND & NATURAL AREAS	Environmental stewardship, wildlife habitat, and outdoor learning experiences.



ALPACA FEEDING & FIBER EDUCATION

Hands-on interaction with alpacas and fiber education.



SMALL LIVESTOCK HUSBANDRY

Daily care and management of goats and other small livestock.



POULTRY EDUCATION

Egg production, flock care, and poultry education.



YOUTH AGRICULTURAL EXPERIENCES

Educational visits and programs for children, families, and community groups.



CONSERVATION & OUTDOOR LEARNING

Pond, trails, and natural areas used for environmental stewardship and education.



LIVESTOCK BREEDING PROGRAM

Responsible breeding and hatchery programs to sustain the farm.



These existing agricultural activities form the foundation of Legacy Acres. Agritourism experiences are designed to complement and support our working farm, creating meaningful connections to agriculture for the community.



200' in each direction aerial view



All activities take place in the middle of the parcel. 200' from the middle parcel lands all activity within property lines